

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.1.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9254 of 2011

P.Durairaj

...

Petitioner

Vs.

The Manager,
Indian Bank,
Kadavur,
No.100, Kavundampalayam main road,
Kangeyam Taluk, Erode District 638 701.

.... Respondent

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent to hand over the title deeds in loan No.450396973 to the petitioner as per registered Will, dated 14.9.2007 in Doc.No.126BK III.

For Petitioner : Mr.B.Nedunchezhian
For Respondent : Mrs.Rita Chandrasekar

O R D E R

According to the petitioners, petitioner's brother had executed a registered Will in Doc.No.126 BK III registered at SRO, Tondamuthur in favour of the petitioner in respect of his self earned property bearing door No.7/197 at Vedapatti Village, Thondamuthur Sub Registration district on 14.9.2007. The petitioner's brother borrowed loan from the respondent Bank by depositing the title deeds of the schedule mentioned property and he has not paid the loan amount in full. After the death of his brother, the petitioner made a representation to the head office of the respondent Bank by narrating the facts and requested to return the original title deeds deposited in the respondent Bank. As per the instruction given by the head office, Indian Bank, on 30.10.2010, the petitioner made a representation to the respondent Bank and given an undertaking to repay the loan amount borrowed by his brother, along with xerox copies of title deed, registered Will and death certificate. Since the said representation does not evoke any response from the respondent Bank, the petitioner has filed the present writ petition for the aforesaid prayer.

2. The learned counsel for the respondent would submit that the petitioner has to produce legal heir certificate, death certificate and other relevant documents along with the prescribed form to the respondent Bank. If the petitioner has furnished the aforesaid documents along with the outstanding dues payable to the respondent Bank, the same shall be considered by the respondent and pass appropriate orders.

3. Recording the submission made by the learned counsel for the respondent Bank and the undertaking given by the petitioner to settle the outstanding dues payable by his brother, this Court is inclined to pass the following order:

(i) The petitioner shall submit an application in the prescribed form along with necessary documents to the respondent Bank within a period of two weeks from the date of receipt of a copy of this order and settle the outstanding loan amount borrowed by his brother.

(ii) On receipt of such application in the prescribed form along with necessary documents and outstanding loan amount, the respondent Bank shall consider the petitioner's representation, dated 30.10.2010, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

Writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

The Manager,
Indian Bank,
Kadavur,
No.100, Kavundampalayam main road,
Kangeyam Taluk, Erode District 638 701.

+1cc to Mr..Nedunchezian , Advocate SR.No. 2196

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A.SK(12/02/2019)