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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3711 of 2019

A.S.Pappaiya

... Petitioner

Vs

1.The Secretary
Banking Ombudsman,
Reserve Bank of India,
16, Rajaji Salai, Fort Glacis,
Chennai- 600 001.

2.The Chief Manager,
State Bank of India,
Ramanathapuram Main Branch,
Salai Street,
Ramanathapuram - 623 501.

3.The Regional Manager,
State Bank of India,
Regional Office 3,
Regional Vanika Office,
SBI Colony, Thiruchirappalli.

4.Sub Registrar,
Ramanathapuram.

R4 is suo motu impleaded vide
Court order dated 11.04.2019

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to return the original document No.758 of 1989 dated 21.04.1989 to the petitioner based on his representation dated 05.01.2019.

For Petitioner : Mr.K.Sathiya Singh

For R1 : No appearance

<https://hcservices.ecourts.gov.in/hcservices/>

For R2 and R3 : Mr.S.Sethuraman

Special Government Pleader



For R4

: Mr.M.Murugan,
Government Advocate

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ORDER

Heard the learned counsel on either side.

2.The writ petitioner had mortgaged his house property covered vide document No.758/89 dated 21.04.1989 with the second respondent. After the mortgage was redeemed, the petitioner wanted the original document back. Unfortunately, the original document went missing. The petitioner therefore filed a complaint before the Banking Ombudsman, the first respondent herein. The first respondent directed the second respondent herein to provide certified copy of the original document as per procedure and also pay compensation of Rs.50,000/- to the writ petitioner herein. The second respondent is ready to comply with the said direction. THE BCSBI Code set out in para 8.12.1.2(r) reads as follows:

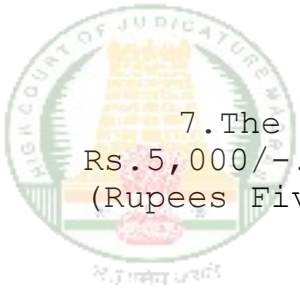
"In the event of our losing the securities / documents / title deeds you have provided to us when you availed a loan, we will compensate you for the loss. We will issue a certificate indicating the securities / documents / title deeds lost and extend all assistance to you for obtaining duplicate documents, etc. at our costs."

3.The second respondent is directed to scrupulously comply with the aforesaid provisions immediately and without any delay. The bank is also ready with a cheque for Rs.50,000/-. The same shall also be handed over to the writ petitioner without any delay.

4.The learned counsel for the writ petitioner also wanted this Court to issue a direction to the jurisdictional Sub Registrar for making an entry with regard to the loss of his document. He wants this direction to be issued so that third party coming across the original document may not deal with the same.

5.I find the said request to be reasonable. Therefore this Court *suo motu* impleads the Sub Registrar, Ramanathapuram, as the fourth respondent in this writ petition.

6.The fourth respondent shall register the order that is passed by this Court in this writ petition. It is declared that the document bearing No.758/89 on the file of the fourth respondent dated 21.04.1989 handed over by the writ petitioner to the second respondent has gone missing and the second respondent is directed to issue a certificate indicating that the said title document has been lost. The duplicate document issued to the writ petitioner can be treated as an original document.



7. The writ petition is allowed on these terms, with a cost of Rs.5,000/-. The second respondent shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as cost, to the writ petitioner.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary
Banking Ombudsman,
Reserve Bank of India,
16, Rajaji Salai, Fort Glacis,
Chennai- 600 001.
2. The Chief Manager,
State Bank of India,
Ramanathapuram Main Branch,
Salai Street,
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3. The Regional Manager,
State Bank of India,
Regional Office 3,
Regional Vanika Office,
SBI Colony, Thiruchirappalli.
4. Sub Registrar,
Ramanathapuram.

+1cc to Mr.M.LINGADURAI, Advocate, SR.No.60558

+1cc to Mr.S.SETHURAMAN, Advocate, SR.No.60620

W.P. (MD) No.3711 of 2019

PNN

KK/SAR/17.05.2019/ 3P- 7C