



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23797 of 2019

WEB COPY

A.Kandasamy

... Petitioner

vs.

1.The Regional Manager,
Canara Bank Regional Office,
No.23, New Agraharam Street,
Palani Road,
Dindigul,
Dindigul District.

2.The Branch Manager,
Canara Bank,
Natham Branch,
Natham,
Dindigul District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondents to return the documents found in the 1st Schedule of property in Memorandum of Deposit of Title Deeds executed towards Loan Account Nos.1014840023630 and 1014897010110 on the file of the 2nd respondent vide Doc.No.653/2014 dated 12.3.2014 on the file of the Sub Registrar Office, Natham on the basis of the petitioner's representation dated 17.10.2019.

For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.N.Dilip Kumar

O R D E R

Mr.N.Dilip Kumar, learned Standing Counsel takes notice on behalf of the respondents.

2.This writ petition has been filed for issuance of a direction, directing the respondents to return the documents found in the 1st Schedule of property in Memorandum of Deposit of Title Deeds executed towards Loan Account Nos.1014840023630 and 1014897010110 on the file of the 2nd respondent vide Doc.No.653/2014 dated 12.3.2014 on the file of the Sub Registrar Office, Natham, on the basis of the petitioner's representation dated 17.10.2019.



3.On a perusal of the prayer, prima facie, it seems that the prayer sought for by the petitioner cannot be granted. Further, it is seen from the records that the petitioner has already participated in an Adalat conducted by the 2nd respondent Bank and also filed an application before the Debt Recovery Tribunal at Madurai. Thus other efficacious remedies are available to the petitioner and in fact, he has availed the same also. Having failed in all his attempts, he has chosen this Court as a last resort. The jurisdiction of this Court is barred under Section 18 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, to agitate the above matter.

4.As such, this writ petition is not maintainable and the same is dismissed. However, liberty is given to the petitioner to approach the appropriate judicial forum to redress his grievances. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

vs

+1 CC to Mr.N. DILIPKUMAR, Advocate (SR-98011[F] dated 13/11/2019)

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