HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3115 of 2019

ORDER: (per Hon'ble Sri Justice V.Ramasubramanian)

The General Power of Attorney Holder of a borrower has come up with the above Writ Petition seeking a direction to the respondents to handover the original title deeds and also to take steps to restore the CIBIL rating that went adverse to the Power Agent.

Heard Mr.P.S.P.Suresh Kumar, learned Counsel for the petitioner and Mr.Maruthi Jadhav, learned Counsel for the respondent - Bank.

The petitioner earlier came up with a Writ Petition in W.P.No.1431 of 2019 challenging an e-auction notice, by which the properties belonging to one Y.Vijaya Rama Mohana Reddy were brought to sale. The petitioner claimed to be a GPA holder of the said borrower and his claim in the said Writ Petition was that though the principal borrower was not aggrieved by the proposed sale, the agent was aggrieved as his individual CIBIL rating went down due to the action initiated.

Considering the peculiar nature of the grievance of the petitioner, we disposed of the Writ Petition No.1431 of 2019 by an order dated 28.01.2019. The operative portion of the said order reads as follows:

> "Therefore, the writ petition is disposed of to the following effect:
>
> (i) If the petitioner, whether it is the principal borrower or the power agent pays the entire amount due together with all charges, interest etc., on or before 12.00 noon on 31.01.2019 the auction shall not proceed and the account can be closed.
>
> (ii) If the petitioner or the power agent fails to pay the amount due before the commencement of the auction at 12.00 noon on 31.01.2019, it is open to the Authorized Officer of the Bank to proceed with the sale of the property.

Pursuant to the said order, the petitioner appears to have repaid the entire loan amount on 31.01.2019 and the entire loan account was closed by the Bank. The Bank has also issued a letter that there are no other dues to the Bank either from the Principal borrower or from the Power Agent.

However, the petitioner has come up with the above Writ Petition seeking a Mandamus to return all the documents and also to have the CIBIL rating restored to him.

Today, Mr.Maruthi Jadhav, learned Counsel for the respondent – Bank produced three separate communications, two of which dated 31.01.2019 and the third dated 07.02.2019. By these communications, the Bank has informed the General Power of Attorney Holder to bring the principal borrower to the Bank so that the original title deeds could be handed over to the person who deposited the same with the Bank and who executed the Memorandum of deposit of title deeds. By another letter the Bank has informed the CIBIL department that the PAN number of the Power Agent may be deleted from the list of defaulters. In these letters, the Bank has clearly stated that the entire loan account due to the Bank was closed.

Therefore, the Writ Petition is disposed of directing the Power Agent to take the Principal borrower to the Bank and upon the Principal borrower appearing in the Bank, the Bank shall handover all the original title deeds and other documents.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition shall stand closed.

V.RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

28.02.2019
Gsn.