

HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.38162 of 2017

ORDER :

The grievance of the petitioners is that despite clearing the Bank loan, which was obtained by the husband of petitioner No.1 and father of respondent No.2, the respondents Bank officials are not inclined to release the mortgaged documents, which are in their custody mortgaged towards collateral security furnished for the purpose of obtaining bank loan on the ground that the original mortgager i.e., Sri E. Narasimha Reddy is required to be personally present before the Bank to complete the formalities to get the mortgaged documents released.

According to the petitioners, the said E. Narasimha Reddy went missing and a complaint to that effect was also lodged by the petitioners before the police, which was registered as Crime No.182/2010 of Nacharam Police Station, Hyderabad, and final report has also been filed on 28.09.2010 stating as "undetectable". When the same was brought to the notice of the respondent Bank authorities, the respondents gave a deaf ear and have not taken any cogent steps for release of the documents and have also not advised the petitioners accordingly. Aggrieved by the same, the petitioners have filed the present writ petition in November, 2017.

Unfortunately, respondent Nos.1 and 2 have not chosen to file any counter nor initiated any steps asking the petitioners to furnish the required documents for release of the documents after complying with the necessary formalities. The respondent authorities cannot sleep over such matters, where a helpless lady and a dependant son approached them for release of the documents mortgaged to the Bank. The said action of the respondent authorities is nothing but arbitrary and high-handed and abusing their powers.

Yesterday, when the matter was called, having heard both sides and perused the material on record, this Court directed the matter to be listed today by summoning the presence of respondent No.1 – Assistant General Manager of the Corporation Bank. The respondent No.2 (Sri Uday Kumar, Branch Manager) is present before this Court, and for the first time, he submits that they are afraid that if any other legal representative would come and claim the said documents in the absence of original mortgager, otherwise, he has no objection to release the documents after obtaining the Indemnity Bond and the Legal Heir Certificate from the petitioners.

In view of the said submission, this Court feels it just and proper to dispose of the writ petition directing respondent No.2 to release the documents said to have been mortgaged by Sri E. Narasimha Reddy, the original mortgager, in favour of the petitioners under proper acknowledgement, after obtaining

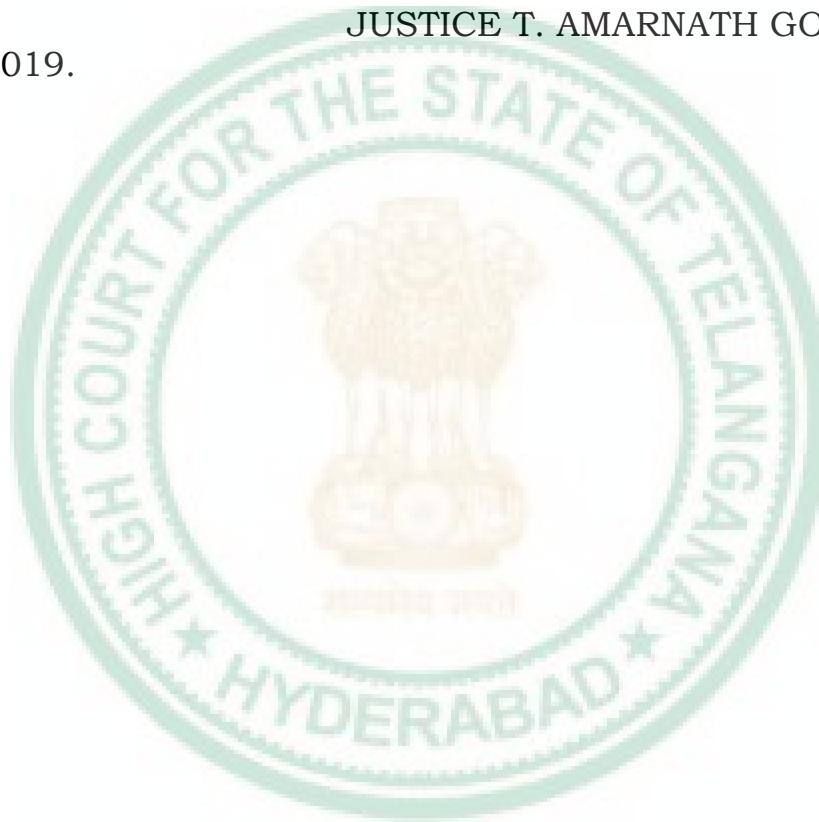
Indemnity Bonds from both petitioners, as expeditiously as possible, preferably within a period of one week.

With the above observation and direction, this Writ Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

01.05.2019.
Msr

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Msr