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December 21,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.8056 of 2020

**Prithu Chatterhee
Versus
The LIC Housing Finance Limited and another**

Mr. Siddhartha Banerjee,
Mrs. Soni Ojha,
Ms. Aishwarya Chatterjee.
...for the petitioner.

Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari.
...for the respondent nos.1 and 2.

On consent, this matter is taken up for hearing, although the same is appearing in the list under the heading 'To be mentioned'.

The petitioner submits that despite the petitioner having repaid the entire loan amount to the respondent-authorities, the authorities are holding on to the title deeds of the petitioner.

Learned counsel for the respondent-authorities argues that, in spite of the one time settlement, the valuation of the property is higher than the one time settlement amount. As such, it is argued that, in terms of the one time settlement itself, the

respondent-authorities is entitled to withhold title deeds of the petitioner.

However, it appears from annexure P/13 to the writ petitioner (page 69 thereof) that the one time settlement was reflected in the online loan status of the petitioner, indicating that there was full and final settlement between the parties. In such view of the matter, the respondent-authorities have acted without jurisdiction in holding the title deeds deposited by the petitioner at the time of taking loan. In view of the one time settlement, the contentions raised post facto by the respondent-authorities at annexure P/11 (page 62 of the writ petition) are academic. In the event the LIC authorities had any further claim against the petitioner, it was for the LIC authorities not to agree to the one time settlement and to approach the appropriate forum for resolution of the dispute. Having not done so and having arrived at the one time settlement, the respondent-authorities have no business to withhold the title deeds pertaining to the mortgage-in-question, which ought to have been returned to the petitioner after the one time settlement.

Accordingly, WPA 8056 of 2020 is allowed. The respondent-authorities shall return the title deeds deposited by the petitioner in connection with the loan-in-question, along with appropriate 'no dues'

certificate, immediately to the petitioner, positively within one week from date.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)