

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.21262 of 2011

S. Krishnan

... Petitioner

v.

1.The Chief General Manager,
State Bank of India,
Local Head Office,
No.16, College Lane,
Chennai - 6.

2.E. Sampath Kumar

3.Viji @ Loganayagi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent to take appropriate departmental action against the 2nd respondent and to recover the original Document No.1027/2009 which is sealed by the Sub Registrar of Mettur of my property from the 3rd respondent, viz., Viji @ Loganayagi and to hand over to the petitioner.

For Petitioners :Mr. P. Vijendran

For Respondents :Mr.Senthil Kumar

for Mr.S.Sethuraman - for R1 & R2

Mr. A. Sundaravadanam - for R3

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to take appropriate departmental action against the 2nd respondent and to recover the original Document No.1027/2009, which is sealed by the Sub Registrar of Mettur from the 3rd respondent and to hand over the same to the petitioner.

2. When the Writ Petition is taken up for hearing, Mr.Senthil Kumar, learned counsel appearing for the respondents 1 and 2 submitted that in the counter filed by the 2nd

respondent, in para 8, he has specifically stated that the petitioner had sold the property to the 3rd respondent by a registered sale deed dated 22.10.2009 registered as Document No.1656 of 2009. However, these facts were never brought to the knowledge of the Bank and only at the time when discharge receipt was executed, the bank came to know about the sale deed. Further, the 2nd respondent has stated that the petitioner had received the document from the Bank on 26.10.2009 from the then Assistant General Manager of the Bank. Further, the 2nd respondent had denied that the document was handed over to the 3rd respondent. The averments stated in para 8 of the counter is recorded. The learned counsel for the respondents 1 and 2 submitted that in view of the averments stated in para 8 of the counter affidavit, the Writ Petition may be closed.

3. Accordingly, recording the averments stated in para 8 of the counter and also the submission made by the learned counsel appearing for the respondents 1 and 2, the Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To
The Chief General Manager,
State Bank of India,
Local Head Office, No.16, College Lane,
Chennai - 6.

सत्यमेव जयते

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SAI (CO)
RMP (01/10/2020)

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