

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.4660 of 2019

B.G.Kuillaya

.. Petitioner

..Vs..

1. The Manager,
State Bank of India,
Commercial Branch,
No.232, NSC Bose Road,
Chennai-600 001.

2. The Assistant General Manager &
Relationship Manager IV,
State Bank of India
Commercial Branch,
No.232, NSC Bose Road,
Chennai 600 001.

3. The Deputy General Manager,
State Bank of India,
Commercial Branch,
No.232, NSC Bose Road,
Chennai 600 001.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to execute the necessary documents for cancelling the "Memorandum Evidencing Deposit of Title Deeds", dated 08.08.2005, registered as document No.1813 of 2005, SRO Periamet, within a time frame.

For Petitioner : Mr.Ashok Menon

For Respondents: Mr.K.Chandra Sekaran

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents herein to execute necessary documents for cancelling the "Memorandum Evidencing Deposit of Title Deeds", dated 08.08.2005, registered as document No.1813 of 2005, SRO Periamet, within a time frame.

2.Today, Mr.Virudhachallam, the Assistant General Manager & Relationship Manager IV, State Bank of India, Commercial Branch, No.232, NSC Bose Road, Chennai-600 001, is present before this Court. This Court deeply appreciates the presence of the said officer and the learned counsels, who have co-operated and come forward to bring about a satisfying order being passed in the writ petition.

3.The petitioner was formerly the Managing Director of a Limited Company by name, M/s. Universal Print Systems Pvt, Limited having its Corporate office at "Udayavani Building", Press Corner, Manipal, Karnataka and its Registered office at No.9, Monteith Lane, Egmore, Chennai 600 008.

4.The Said Universal Print Systems Pvt., was enjoying the cash credit with the first respondent bank namely, State Bank of India and as a security for a loan of Rs.6,25,50,000/-, the original title deeds of the property belonging to M/s Print Systems and Products, of an extent of 275 sq.ft., of undivided land in premises bearing Door No.9, Montheith Lane, Egmore, Chennai 600 008 together with a flat measuring 853 sq.ft, in the first floor of the scheme known as "Vasanth Flat" at premises No.9 were deposited.

5.It is stated by the respondents that only the certified copies of the title deeds were actually deposited by the writ petitioner, B.G.Kuillaya, who claims to be the Managing partner of Print System and Products. Even though several representation were made, seeking execution of discharge document pursuant to repayment of the loan, since, the respondent's bank had not come forward to execute the same, the writ petition has been filed.

6.Attention is drawn to the fact that the Deputy General Manager of State Bank of India, Chennai had addressed a letter to the learned counsel for the respondents, stating that there is no loan subsisting in that books as regards M/s. Universal Print Systems Pvt. Ltd., is concerned and the account has been closed. The Deputy General Manager had also expressed his willingness to execute the discharge certificate and cancellation of MOD on mortgage of property created by Mr. B.G.Kukillayya, in the name of M/s.Print Systems and Products, a partnership for the credit facility sanctioned to M/s.Universal Print Systems Pvt. Ltd.

7.The learned counsel for the respondents further submitted that the petitioner is the Managing Partner and necessary undertakings would be given that there shall not be any claim later against the Bank for having released the certified copies of the title deeds. It is only natural that the petitioner

should give such undertaking to the bank officials so that, they may not later find themselves proceeded against by third parties.

8. In view of these facts and circumstances, this Court is inclined to issue a direction to the respondents to execute discharge receipt pursuant to the mortgage, which had been discharged and return back the certified copies of the title deeds mentioned above. The learned counsel for the respondent stated that the some direction should be given with respect to the payment of registration charges and stamp duty. They shall be payable in accordance with Registration Act and Rules and also the Stamp Act. The discharge receipt may be executed before the concerned Sub Registrar office on or before 29.02.2020.

9. With the above directions, the writ petition is disposed of. No Costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Manager,
State Bank of India,
Commercial Branch,
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2. The Assistant General Manager &
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+2 CCS to Mr. Ashok Menon, Advocate sr 71549.

+1 CC to Mr. K. Chandra Sekaran, Advocate sr 11562.

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VGII (CO)
SP (14/02/2020)