

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29 of 2013

S.Raghunathan

... Petitioner

vs

1. The Assistant General Manager,
State Bank of India,
Retail Assests Central Processing Centre,
Egmore, Chennai.

2. The Branch Manager,
State Bank of India,
Sowcarpet Branch
No. 171, Govindappa Naicken Street,
Chennai-1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to deliver the petitioner all the original title deeds pledged with the 2nd respondent bank in respect of the Housing Term Loan A/c No.10108189310 forthwith and also direct the respondents to pay compensation of Rs.1,00,000/- for the delay in returning back the original title deeds to the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.C.Mohan
for M/s.King & Patridge

ORDER

This writ petition is heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. The writ petition has been filed seeking a direction to the respondents to deliver the petitioner all the original title deeds pledged with the 2nd respondent bank in respect of the Housing Term Loan A/c No.10108189310 forthwith and also direct the respondents to pay compensation of Rs.1,00,000/- for the delay in returning back the original title deeds to the petitioner.

3. An additional counter affidavit dated 16.09.2020 was filed by the respondent stating that the original documents were misplaced during transit. In this regard, a letter was

addressed to the petitioner as early as on 06.04.2016, which is attached with the said additional counter-affidavit. The relevant part of the said letter reads as follows :

"With reference to the above, we have to advise that the following originals documents (Title Deeds) given for the above loan accounts, were misplaced during migration to our RACPC Egmore. We have tried our level best to trace out the documents still it is not available. However, at the request of the borrower, we have obtained the following certified copy of documents

01. 2039/95, dt.17.04.95

02. 3369 of 1959

03. Parent Document 3341/1964"

Upon service, the same has been acknowledged by the petitioner.

4. In addition to this, a sum of Rs.5,000/- has also been paid by the respondent to the petitioner as compensation for the mistake of losing the original title deeds, which has also been credited to the petitioner's account.

5. In view of the subsequent development, recording the same, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant General Manager,
State Bank of India,
Retail Assests Central Processing Centre,
Egmore, Chennai.
2. The Branch Manager,
State Bank of India,
Sowcarpet Branch No. 171,
Govindappa Naicken Street,
Chennai-1.

+1 cc to M/s.King & Partridge, Advocate,sr.31396.

Ajs(co)
krd 3/11

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