

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10788 of 2014
and M.P.No.1 of 2014
(Heard Through VC)

S.Chandrasekaran

..

Petitioner

Vs.

1. The Chairman and Managing Director,
Indian Bank, Corporate Office,
No.254-260, Avvai Shanmugam Road,
Royapetah, Chennai 600 014.

2. V.Baskaran
General Manager, Indian Bank,
Corporate Office,
No.254-260, Avvai Shanmugam Road,
Royapetah, Chennai 600 014.

3. The Assistant General Manager,
Indian Bank, T.Nagar Branch,
No.7, Prakasam Road,
T.Nagar, Chennai 600 017

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to handover the original title deeds immediately or within the time period fixed by this Court and consequently also direct the respondents to pay compensation amounting to Rs.25,00,000/- for the loss suffered.

* * *

For Petitioner : Mr.V.V.Sairam

For Respondents: Mr.Ramesh
for M/s.RRK Associates

ORDER

The petitioner has sought for a direction to the respondents to handover the original title deeds immediately or within the time period fixed by this Court and consequently to pay the compensation amounting to Rs.25,00,000/- for the loss suffered.

2. The petitioner, who was the erstwhile employee of the respondent-Bank, had obtained a loan under the Staff Housing Scheme on 22.10.1987 for a sum of Rs.1,25,000/- and had deposited the original title deeds standing in his name with the Branch. According to the petitioner, the loan availed were duly discharged by paying the entire dues as early as on 27.09.2009 and the respondent-Bank also had issued a letter dated 03.02.2010 stating that there is no other outstanding dues. As the loans were discharged, the petitioner asked for return of the original title deeds with the respondent-Bank by way of letters dated 24.08.2011, 16.11.2011, 15.02.2013 and 20.05.2013. There was no response from the respondents. Hence, a legal notice was issued on 28.03.2014 to the respondents to return the original title deeds. As there is delay in returning the original documents, the petitioner has come to this Court invoking Article 226 of the Constitution of India seeking compensation for a sum of Rs.25 lakhs.

3. Counter-affidavits have been filed by the respondents 2 and 3, wherein, it is stated that the petitioner had discharged the dues towards the loan. However, the respondents-Bank had misplaced the title deeds for the reason that it was transferred from Harbour Branch, wherein, originally the title deeds were deposited by the petitioner to the third respondent-Bank in T.Nagar Branch. As the documents were misplaced either in transit or some otherwise, the respondents also had lodged a police complaint before the Pondy Bazar Police Station and caused two paper publications in both English and Vernacular dailies on 20.03.2014. The Bank also had obtained a certified copy of the document from the Sub Registrar Office and is willing to give any letter in writing reiterating the loss of original documents at the Branch to protect the interest of the petitioner. A non traceable certificate was also issued by the Inspector of Police (Crime), T.Nagar, on 10.07.2017.

4. Heard the learned counsel on either side and perused the materials placed before this Court.

5. As the respondents-Bank has followed all the formalities to be done in tracing the lost title deeds, which otherwise, any

prudent person would have done, the petitioner cannot have any grievance. However, the petitioner states that for the fault of the bank and the delay in retrieving the original title deeds, he was put to serious prejudice and irreparable loss. Hence, he is seeking a compensation of Rs.25 lakhs.

6. As the claim is only for money, it is open to the petitioner to move the appropriate civil Court for the same, as it needs evidence. The apprehension of the learned counsel for the petitioner is that the claim now would be barred by limitation, as the cause of action arose as early as in the year 2009. It is open to the petitioner to file an appropriate application under the Limitation Act for excluding the time taken in prosecuting the above Writ Petition, which may be dealt with by the appropriate forum without being prejudiced by this order.

7. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg/srn

To

1. The Chairman and Managing Director,
Indian Bank, Corporate Office,
No.254-260, Avvai Shanmugam Road,
Royapetah, Chennai 600 014.
2. The Assistant General Manager,
Indian Bank, T.Nagar Branch,
No.7, Prakasam Road,
T.Nagar, Chennai 600 017.

SR(CO)
CB(24/09/2020)

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