



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.13711 of 2020

K.Krishnan

: Petitioner

Vs.

1.The Manager,
Indian Overseas Bank,
Vedasandur, Vedasandur Taluk,
Dindigul District.

2.The Manager,
Indian Overseas Bank,
Kalwarpatti Branch, Kalwarpatti,
Vedasandur Taluk, Dindigul District.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to release the original title deed of the property standing in the name of the petitioner deposited before the respondents bank based on the petitioner's representation, dated 13.06.2020 within a time frame as may be stipulated by this Court.

For Petitioner
For Respondents

:Mr.S.Sarvagan Prabhu
:Mr.N.Dilip Kumar
Standing Counsel

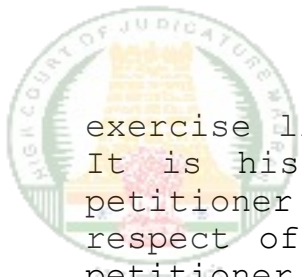
ORDER

(This petition was heard through the Video Conferencing)

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to release the original title deed of the property standing in the name of the petitioner deposited before the respondents Bank based on the representation of the petitioner, dated 13.06.2020 within a time frame to be fixed by this Court.

2.Heard Mr.S.Sarvagan Prabhu, learned Counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondents.

3.It is the case of the petitioner that he was an employee of the respondent Bank and he retired from service in the year 2017. According to him, while he was in service, he had availed several loan facilities from the respondents Bank, including an educational loan facility. According to him, he has settled all the dues in respect of other loan facilities, except for educational loan facility. According to the petitioner, the respondents cannot



exercise lien over the educational loan availed by the petitioner. It is his case that the equitable mortgage was created by the petitioner only in respect of other loan facilities and not in respect of educational loan facility. Further, according to the petitioner, the respondents have not returned the original title deeds, despite settling the other loan facilities. In such circumstances, this Writ Petition has been filed.

4.The learned Counsel for the petitioner, on instructions, would now submit that the petitioner would be satisfied, if the respondents consider the petitioner's representation, dated 13.06.2020 requesting them to release the title deeds, which were the subject matter of the mortgage created for the purpose of availing loan facilities by the petitioner.

5.The learned Standing Counsel for the respondents, on instructions, would submit that the respondents are willing to consider the petitioner's representation, dated 13.06.2020.

6.For the forgoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 13.06.2020 requesting them to release the original title deed of the property standing in the name of the petitioner deposited with the respondents Bank and pass final orders on merits and in accordance with law after affording sufficient opportunity to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-24501[F] dated 08/12/2020)

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