

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

and

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WVMP.No.1399 of 2010 (I.A.No.1 of 2010) in
WPMP.No.29592 of 2009

in

Writ Petition No.22789 of 2009

And

Writ Petition No.22789 of 2009

COMMON ORDER : (per Hon'ble M.S. Ramachandra Rao)

Heard the counsel for petitioner, and Sri P.A.V. Balaprasad,
counsel for respondents.

2. It is not in dispute that the petitioner had cleared all the dues to the 2nd respondent-Bank which was owed by the borrower by name one Sri K. Govindaraj. It is also not in dispute that the petitioner is neither a borrower nor a guarantor, but is a purchaser of the property bearing Plot No.20 (Eastern Portion), situate in Survey No.37, 38 and 39, Ward No.3, Block No.1 of Maitrinagar Colony, Bahadurguda Village, Sarrornagar Mandal, L.B. Nagar , Municipality under a registered sale deed dt.31.01.2006 from one Smt. Vigram Nagamani, who had purchased the same from one Smt. Lingala Prabhavathi under a registered sale deed dt.11.08.2003.

3. The plot in question had been mortgaged to the 2nd respondent-Bank.

4. It is stated that the vendor of petitioner had mortgaged the above property to the 2nd respondent-Bank in the year 2005 as a guarantee to the amount borrowed by Sri K. Govindaraj from the 2nd respondent-Bank.

5. Admittedly, the petitioner had cleared all the dues payable by Sri K. Govindaraj to the 2nd respondent-Bank. But, according to the petitioner, the 2nd respondent-Bank had not returned the mortgage document, i.e., the registered sale deed dt.11.08.2003 given by the petitioner's vendor to the 2nd respondent-Bank.

6. Since, admittedly the petitioner has cleared all the dues of borrower, the 2nd respondent-Bank is not entitled to retain the original registered sale deed dt.11.08.2003 with it and its rightful custodian is the petitioner who had purchased it from Smt. Vigram Nagamani, who had mortgaged it by depositing of the said title deed to the 2nd respondent.

7. Therefore, the 2nd respondent-Bank is directed to hand over the original of the registered sale deed dt.11.08.2003 deposited by Smt. Vigram Nagamani to the petitioner within one (01) week from the date of receipt of copy of the order.

8. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

9. In view of disposal of the Writ Petition, no orders are required in WVMP.No.1399 of 2010 (I.A.No.1 of 2010), and it is accordingly closed.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE T. AMARNATH GOUD

Date: 11.02.2020

Ndr/*

