



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition Nos.15508 and 15509 of 2012

Mr.Kamal Basha
Proprietor of Kamal Steel Corporation
50, old No.63
Sembudoss street
Mannady, Chennai-600 001.

... Petitioner in W.P.No.15508/2012

M/s.Thoufiq Steel Corporation
Represented by its Partners
Mr.K.Mohamed Thoufiq Sultan
Ms.Maideenisha, No.8 (old No.37)
Jones street, Mannady
Chennai-600 001.

... Petitioner in W.P.No.15509/2012

Vs

1.Reserve Bank of India
Through its Chief General Manager
Fort St. George, Chennai-600 009.

2.The Assistant General Manager
Kotak Mahindra Bank Ltd.
4th floor, No.21
"Kotak Infinit RC - 45"
Off Western Express Highway
General AK Vaidya Marg
Dindoshi, Malad (E)
Mumbai - 400 097.

3.The Chief Manager
Kotak Mahindra Bank Ltd.
Parrys Branch
Second Line Beach Road
Chennai-600 001.

... Respondents in both WPs.

Common Prayer : Writ petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to ensure that the respondents 2 and 3 comply with the provisions of Section 21(3) read with Section



35A of the Banking Regulation Act, 1949 for cancellation of the redeemed mortgage and consequently, return the title deeds of the secured property of the petitioners situated at Ernavoor Village, Thiruvottiyur Town.

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In both WPs.
For Petitioners : Mr.T.Natarajan
for M/s.Aiyar and Dolia

For R1 : No appearance

For R2 and R3 : Mr.A.V.Radhakrishnan

C O M M O N O R D E R

These writ petitions are filed to issue a mandamus, directing the 1st respondent to ensure that the respondents 2 and 3 comply with the provisions of Section 21(3) read with Section 35A of the Banking Regulation Act, 1949 for cancellation of the redeemed mortgage and consequently, return the title deeds of the secured property of the petitioners situated at Ernavoor Village, Thiruvottiyur Town.

2.Today, when these matters were taken up for consideration, the learned counsel for the respondents 2 and 3 filed a memo dated 14.07.2021 stating that on 09.08.2012, the 3rd respondent has handed over the original title deeds to the petitioners and the same was duly acknowledged by the petitioners and hence, nothing survives for adjudication herein.

3.The submissions so made by the learned counsel for the respondents 2 and 3 have been fairly conceded by the learned counsel for the petitioners.

4.Recording the submissions made by the learned counsel for the respondents 2 and 3 as well as the memo dated 14.07.2021, these writ petitions are dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Reserve Bank of India
Through its Chief General Manager
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Kotak Mahindra Bank Ltd.
Parrys Branch
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+1cc to Mr.A.V.Radhakrishnan, Advocate SR No.33742
+1cc to M/s.Aiyar and Dolia, Advocate SR No.34224

W.P.Nos.15508 and 15509 of 2015

PL (CO)
PR (25/08/2021)