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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.15747 of 2013

R.Priyanga

...Petitioner

vs.

The Branch Manager,
Syndicate Bank,
Pondicherry Branch,
No.122 & 124, J.N.Street,
Near Velan Silks,
Puducherry - 605 001.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to return the Title Deed deposited with respondent-Bank pertaining to the property measuring 1,800 sq. ft., bearing Door No.5, 1st Cross, Ezhilnagar North, Muthialpet Post, Puducherry 605 003, situated at Re-Survey No.253/1, Kathasthar Nos.268 1/2, 268 2/, Saram Revenue Village, Thiruvalluvar Nagar, within the Sub Registration District of Uzhavarkarai, Puducherry.

For Petitioner: Mr.S.Sethuraman
For Respondent: Mr.P.Srinivasulu

O R D E R

The relief sought for in the present writ petition is to direct the respondent to return the Title Deed deposited with respondent-Bank pertaining to the property measuring 1,800 sq. ft., bearing Door No.5, 1st Cross, Ezhilnagar North, Muthialpet Post, Puducherry 605 003, situated at Re-Survey No.253/1, Kathasthar Nos.268 1/2, 268 2/, Saram Revenue Village, Thiruvalluvar Nagar, within the Sub Registration District of Uzhavarkarai, Puducherry.

2. The mother of the petitioner Smt.R.Santhi had acquired a property measuring 1,800 sq. ft., bearing Door No.5, 1st



Cross, Ezhilnagar North, Muthialpet Post, Puducherry 605 003 by virtue of a Settlement Deed dated 21.07.2004 registered as document No.3525/2004.

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3. The petitioner states that the abovesaid property has been settled in her favour. Therefore, the petitioner claims to be the owner of the property. The property was originally mortgaged with the respondent-Bank in respect of housing loan.

4. Admittedly, the loan amount was settled. However, the respondent-Bank invoked Section 171 of the Indian Contract Act and created a Lien in respect of the other loan borrowed by the third party in which the mother of the petitioner was a Guarantor. However, in respect of the third party loan also, the respondent-Bank filed original application in O.A.No.99 of 2014 and the Debts Recovery Tribunal, Chennai personally exonerated the Guarantors. Therefore, there is no impediment for the respondent-Bank to return the documents to the mother of the petitioner.

5. However, the learned counsel appearing on behalf of the respondent-Bank, relying on the counter-affidavit filed, contended that the petitioner has no privity of contract with the respondent-Bank, so as to file the present writ petition and therefore, the writ petition is liable to be rejected.

6. The learned counsel for the petitioner states that the property has been settled in favour of the petitioner and therefore, she has got right over the subject property. Further, it is contended that the petitioner had settled the loan amount on behalf of her mother and the respondent-Bank also accepted the same and cleared the loan.

7. Under these circumstances, the petitioner is entitled to submit an application to the respondent-Bank along with the No Objection Letter from her mother for the purpose of return of documents. In the event of filing any such application by the petitioner along with 'No Objection Letter' from the mother of the petitioner, then the respondent-Bank is bound to consider the same and release the documents by following the procedures as contemplated.

8. Thus, liberty is granted to the petitioner to re-submit an application, within a period of two weeks from the date of receipt of a copy of this order and on receipt of any such application from the petitioner, the respondent-Bank is directed to take appropriate steps for return of documents and



pass orders, within a period of four weeks from the date of receipt of the copy of the application from the petitioner.

9. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-IX)

//True Copy//

Sub-Assistant Registrar

Svn
To

The Branch Manager,
Syndicate Bank,
Pondicherry Branch,
No.122 & 124, J.N.Street,
Near Velan Silks,
Puducherry - 605 001.

+1 CC to Mr.P.Srinivasulu, Advocate sr 65943.
+1 CC to Mr.S.Sethuraman, Advocate sr 65890.

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SSI(CO)
SP(22/12/2021)