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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.2540 OF 2013

AND

M.P.NOS.1 & 2 OF 2014

R.Jaishankar

.. Petitioner

Versus

1. The Branch Manager  
State Bank of India  
No.34, Kosamada Street  
Tiruvannamalai - 606 601.
2. The General Manager  
State Bank of India, Nungambakkam  
Chennai.
3. The Assistant General Manager  
State Bank of India, Tiruvannamalai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to return the title deeds of the petitioner, which was deposited by the petitioner with the first respondent bank, while availing the Housing loan in Loan A/c.No.10860690498 & 10860700804.

For Petitioner : Mr.T.S.Venkatesan

For Respondents : Mr.R.R.Pradeep  
for Mr.S.Sethuraman



## O R D E R

The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the first respondent to return his title deeds, which were deposited by him with the first respondent bank, while availing the Housing loan in Loan A/c.No.10860690498 & 10860700804.

2. The case of the petitioner is that he availed a sum of Rs.6,00,000/- as housing loan from the first respondent Bank, in Loan No.10860690498, in the year 2004. Thereafter, in the year 2006, he availed yet another loan for a sum of Rs.6,50,000/- in Loan No.10860700804. As a condition precedent for availing the loan, he had deposited the title deeds of his house property as bank guarantee with the respondents bank. According to the petitioner, he had paid all the monthly installments without any default and the first respondent Bank also closed his loan installment account and informed him that his title deeds would be given to him at the earliest after completion of certain formalities. However, the first respondent Bank did not return his title deeds to him inspite of repeated representations. The petitioner also approached the first respondent Bank several times for getting back his title deeds, but for one reason or the other, the first respondent bank refused to return the title deeds to him. The petitioner also made a representation dated 06.06.2012 to the first respondent Bank, for getting back his title deeds, however, there was no proper response from the side of the first respondent Bank. He had also approached the second respondent by way of an application under Right to Information Act, for which, the second respondent replied that he has to approach the Central Public Information Officer (CPIO) & Regional Manager, Chengalpet. The petitioner has thereafter approached the CPIO & Regional Manager, Chengalpet, by way of submitting an application under Right to Information Act, for which, the CPIO & Regional Manager, Chengalpet vide letter dated 30.07.2012 replied that Tiruvannamalai Branch requires still more time to search the documents/title deeds. Further, the petitioner made a representation dated 19.11.2012 to the Banking Ombudsman, RBI Building, Chennai, in this regard. While so, the first respondent issued No Due Certificate dated 10.01.2013, in which, it was stated that the entire loan has been paid by him and he is entitled to get the title deed in Loan Document



No.1340/94, T.S.No.1729/2A1. But the title deeds are yet to be furnished to the petitioner, Therefore, the present writ petition is filed by the petitioner.

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3. The learned counsel for the petitioner would submit that it is suffice if the petitioner's representation dated 19.11.2012 is directed to be considered by the first respondent and appropriate orders are passed on the same.

4. The learned counsel appearing for the respondents would fairly submit that the petitioner's representation dated 19.11.2012 will be duly considered by the first respondent and appropriate orders will be passed on the same, on merits and in accordance with law, within a time frame, as stipulated by this Court.

5. Heard the learned counsel on both sides and perused the materials placed before this Court. Taking note of the facts and circumstances of the case and also, considering the limited scope of relief sought by the petitioner, this Court, without going into the merits of the case, issues the following directions:

(i) The petitioner is directed to submit a copy of his representation dated 19.11.2012 along with the No Due Certificate dated 10.01.2013, before the first respondent.

(ii) On receipt of such representation, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, after affording an opportunity of hearing to the petitioner.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

mrr/rsh



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State Bank of India, Nungambakkam,  
Chennai.

3. The Assistant General Manager,  
State Bank of India, Tiruvannamalai.

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.35221

WP No. 2540 of 2013

NMI(CO)  
RLP(17/09/2021)