



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.29908 of 2012

And

MP No.2 of 2012

M/s.Opel Auto Products Pvt Ltd.,
Represented by its Managing Director,
Mr.K.Saravanan,
No.66/8, 18th Street,
TNHB Extension,
Korattur,
Chennai - 600 080,
Tamil Nadu.

..Petitioner

vs.

1. The Regional Manager,
Central Bank of India,
48, Montieth Road,
Egmore,
Chennai - 600 008.

2. The Chief Manager,
Central Bank of India,
Sembiam Branch,
Perambur,
Chennai.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to issue a Receipt for having received the money from the petitioner and redeemed the mortgage and to register the same at Sub-Registrar Office.

For Petitioner : Mr.Patrick for
M/s.Siva Rajasekaran and
N.Varuni.

For Respondents : Mr.K.S.Sundar



O R D E R

The relief sought for in the present writ petition is to direct the second respondent to issue a Receipt for having received the money from the petitioner-Company and redeemed the mortgage and to register the same at Sub-Registrar Office.

2. The learned counsel appearing on behalf of the petitioner states that pursuant to the interim order passed by this Court on 06.02.2013, the petitioner-Company had deposited a sum of Rs.31 lakhs before the Registrar-General, High Court, Madras.

3. With reference to the issues raised in the present writ petition are concerned, the learned counsel for the petitioner-Company states that there is no due to be paid to the respondent-Bank by the petitioner. The petitioner-Company have cleared all the dues and their account was also closed.

4. Therefore, there is no business relationship in existence between the petitioner-Company and the respondent-Bank. The original documents mortgaged were also handed over to the petitioner-Company. Under these circumstances, if any other dispute exists between the parties, it is left open to them to adjudicate and redress the said grievances in the manner known to law.

5. As far as the amount of Rs.31 lakhs deposited by the petitioner-Company before the Registrar-General, High Court, Madras, is concerned, the said amount is to be returned back to the petitioner-Company along with interest, if any, accrued, within a period of two weeks from the date of receipt of a copy of this order and the other issues between the parties are to be resolved by approaching the Competent Forum in the manner known to law.

6. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Regional Manager,
Central Bank of India,
48, Montieth Road,
Egmore,
Chennai - 600 008.

2. The Chief Manager,
Central Bank of India,
Sembiam Branch,
Perambur,
Chennai.

3. The Registrar General,
High Court,
Madras.

+1cc to Mr.M.R.Gokul Krishnan, Advocate, S.R.No.49106

+1cc to Mr.K.S.Sundar, Advocate, S.R.No.49157

W.P.No.29908 of 2012

PM(CO)
RGA(05/10/2021)