



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 9646 of 2021

Mrs.S.Meena Rajan

.. Petitioner

Versus

1.The Vice President

The Lakshmi Vilas Bank Ltd.,  
D.B.S. Bank, No.4, Sardar Patel Road  
"L.V.B. House" No.4, Sardar Patel Road  
Guindy, Chennai - 600 032

2.The Manager

The Lakshmi Vilas Bank  
D.B.S Bank, Mylapore Branch  
No.38, North Mada Street  
Mylapore, Chennai - 600 004

3.The Regional Recovery Head

Lakshmi Vilas Bank, Regional Office  
No.136, II Floor, P.M. Towers  
Greens Road, Chennai - 600 006

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to return the original and photo copies of the title documents as per the petitioner's representation dated 19.01.2021

For Petitioner : Mr. T. Dhansekaran

For Respondents : Mr.A.V.Radhakrishnan (For R2 & R3)  
No appearance (For R1)

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the second respondent to return the original and photo copies of the title documents as per the petitioner's representation dated 19.01.2021.



2. According to the petitioner, her son is the proprietor of M/s. Weignberger Tehnologies Incorporation, who availed a loan in the name of the company. The petitioner stood as a guarantor for repayment of the loan amount by her son. The petitioner along with her son also executed a Memorandum of Deposit of title deeds for equitable mortgage in favour of the second respondent. While so, at later stage, the company could not pay the loan amount and the loan account was classified as Non-Performing Asset by the second respondent. Consequently the bank initiated recovery proceedings against the company. In those circumstances, the petitioner requested the second respondent for a one time settlement and she had also remitted the due amount. The second respondent on receipt of the one time settlement amount had sent a letter on 13.10.2020 stating as follows:

"as per the terms and conditions of OTS sanction, we have received an amount of Rs. 25,00,000/- towards full and final settlement. We hereby confirm that the captioned borrower has no other liabilities with us."

3. In spite of the above, the bank did not return the original and photo copies of the title deeds to the petitioner. Therefore, the petitioner made a representation dated 19.01.2021 to the respondents to return the original and photocopies of the title deeds. However, no order has been passed thereof, hence, the writ petition.

4. Heard the learned counsel for both sides and perused the materials placed. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider representation dated 19.01.2021 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to her, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



dhk/rsh

To

1.The Vice President  
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+1cc to Mr.A.V.Radha Krishnan, Advocate Sr No.46659

+1cc to Mr.T.Dhanasekaran, Advocate Sr No.46717

WP No. 9646 of 2021

PVS (CO)  
PR (12/10/2021)