



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.9254 & 29907 of 2015

Mr.P.Rajendran
W.Ps

...Petitioner in both

Vs

Indian Bank,
Mylapore Branch,
21, North Mada Street,
Mylapore, Chennai - 600 004.
Represented by its Manager
in both W.Ps

... Respondent

Prayer in W.P.No.9254 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to receive, process, consider the representation/legal notices dated 10.11.2014 and 14.02.2015 of the petitioner.

Prayer in W.P.No.29907 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to return the two original sale deeds bearing No. 1) Doc. No.6312 of 1983 registered at Sub Registrar Office, Poonamallee, in Plot No.9, in Survey No.9/1A. No.42, Vellanur Village, Poonamallee, Saidapet Taluk, Chingleput District and ii) Document No.6314 of 1983 registered at the office of the Sub Registrar Office, at Poonamallee. in Plot No.179 in Survey No.8, No.42.Vellanur Village, Poonamallee, Saidapet Taluk, Chingleput District to the petitioner forthwith.

For Petitioner : M/s.S.T.P.Kuilmozhi
[in both W.Ps]

For Respondent : Mr.Jayesh B.Dolia
For M/s.Aiyar and Dolia
[in both W.Ps]



COMMON ORDER

The relief sought for in respect of W.P.No.9254 of 2015 is to direct the Respondent to receive, process, consider the representation/legal notices dated 10.11.2014 and 14.02.2015 of the petitioner and the relief sought for in respect of W.P.No.29907 of 2015 is to direct the respondent to return the two original sale deeds bearing No. 1) Doc. No.6312 of 1983 registered at Sub Registrar Office, Poonamallee, in Plot No.9, in Survey No.9/1A. No.42, Vellanur Village, Poonamallee, Saidapet Taluk, Chingleput District and ii) Document No.6314 of 1983 registered at the office of the Sub Registrar Office, at Poonamallee. in Plot No.179 in Survey No.8, No.42.Vellanur Village, Poonamallee, Saidapet Taluk, Chingleput District to the petitioner forthwith.

2. The grievances of the writ petitioner is that he is a longstanding customer of the respondent Bank. He was a Shopkeeper, running business under the name and style of Raja Electronics. The petitioner borrowed the loan and states that he cleared the entire loan amount during the year 1990. However, the properties mortgaged are not returned back and the petitioner made a request for return of document and the respondent has not complied with the same.

3. The learned counsel for the respondent made a submission that the writ petition itself is filed after a lapse of 25 years from the date of clearance of loan and therefore, it is doubtful, whether the documents are returned back or not by the Bank during the relevant point of time. However, the respondents are bound to verify the records and issue necessary certificate to the writ petitioner, enabling him to pursue the matter in the manner known to law. Accordingly, the respondent is directed to verify the loan records of the petitioner and if the documents are not returned, then return the documents, if those documents are available and if those documents are not available, then issue necessary certificate in favour of the petitioner and obtain certified copies of the document and handover the same, enabling him to deal with the properties.

4. With these directions, both the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



The Manager,
Indian Bank,
Mylapore Branch,
21, North Mada Street,
Mylapore, Chennai - 600 004.

+lcc to M/s.Aiyar & Dolia, Advocate Sr No.51037
+lcc to Mr.S.T.P.Kuilmozhi, Advocate Sr No.51489

W.P.Nos.9254 & 29907 of 2015

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