



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.09.2021

WEB COPY

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.30591 of 2016

A.C.Muruganandam

... Petitioner

Vs.

1 The Deputy General Manager,
United Bank of India,
Durga Towers, R.K.M.S.Road,
Mandaveli, Chennai 28.

2 The Branch Manager,
United Bank of India,
81, First Agraharam,
Salem 636 001, Salem District

3 The Inspector of Police,
1, Town Police Station,
Salem 636 001

4 The Inspector of Police,
City Crime Branch,
Annathanapatty, Salem.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing to the respondents 1 and 2 to return back the list of original title deeds given at the time of execution of the Memorandum of Deposit of Title Deeds dt 28.12.2006 (Doc. No.3294 of 2006 SRO, Veerapandi) or else to direct the respondents 3 or 4 to take action on the petitioners complaint dt 19.7.2016 to seize the above documents from the respondents 1 and 2 and to hand over the same to him.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.P.S.Ganesh (For R1 & R2)
Mr.K.M.D.Muhilan (for R3 & R4)
Government Advocate.



O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to return back the list of original title deeds given at the time of execution of the Memorandum of Deposit of Title Deeds dated 28.12.2006 (Doc. No.3294 of 2006 SRO, Veerapandi) or else to direct the respondents 3 or 4 to take action on the petitioner's complaint dated 19.7.2016 to seize the above documents from the respondents 1 and 2 and to hand over the same to him.

2. The petitioner states that he had mortgaged the subject properties with the 2nd respondent bank on 28.12.2016 by way of loan / cash credit / over draft facility upto Rs.16 Lakhs, by way of memorandum of depositing the title deeds dated 28.12.2016.

3. The petitioner claims that he has settled the entire dues payable to the 2nd respondent on 23.09.2015. The respondent bank has given an Account Closure Certificate dated 28.10.2015 to the effect that the Housing Loan A/c.No.0661300500270 has been fully liquidated and closed on 23.09.2015. However, the original documents given to the bank at the time of registration of Memorandum of Deposit of Title Deeds have not been returned back.

4. With reference to such allegations relating to the contract/agreement, an adjudication is required. Admittedly, the petitioner mortgaged the subject properties with the 2nd respondent bank. Though, the petitioner claims that he has cleared the loans, if any dispute exists between the parties, they have to approach the competent forum for the purpose of resolving the disputes. The 2nd respondent bank has not issued any orders. The petitioner merely seeks a direction to hand over the document. Such a relief cannot be granted in the absence of any adjudication with reference to the disputed issues based on documents on evidences. The High Court cannot conduct a roving enquiry with reference to the loan transaction and the return of original documents.

5. In view of the fact that no order has been passed by the 2nd respondent, the petitioner is at liberty to submit an application to the 2nd respondent bank.

6. Learned counsel for the respondent bank made a submission that the respondent bank has already been merged with Punjab National Bank and therefore, the petitioner is at liberty to submit an application to the authorities of Punjab National Bank, who in turn is directed to take a decision and communicate



the same to the petitioner. Thereafter, the petitioner may approach the competent forum for redressing his grievance, if any remains.

7. With these observations, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Deputy General Manager,
United Bank of India,
Durga Towers, R.K.M.S.Road,
Mandaveli, Chennai 28.
- 2 The Branch Manager,
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81, First Agraharam,
Salem 636 001, Salem District
- 3 The Inspector of Police,
1, Town Police Station,
Salem 636 001
- 4 The Inspector of Police,
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Annathanapatty, Salem.

+1cc to the Government pleader Sr.48989

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srg 20/10/2021