



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

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

W.P.No.31579 of 2016

K.Sabarinath,

..Petitioner

Vs

The Senior Manager,
Indian Overseas Bank,
Ponneri.

..Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of mandamus, directing the respondent to return the original documents and to execute a discharge receipt with respect to the property bearing Door No.16/10, New Car Street, Ponneri, comprised in Survey No.349/62 measuring 735 sq.ft along with the house.

For Petitioner : Mr.R.C.Paul Kanagaraj

O R D E R

The relief sought for in the present writ petition is to direct the respondent to return the original documents and to execute a discharge receipt with respect to the property bearing Door No.16/10, New Car Street, Ponneri, comprised in Survey No.349/62 measuring 735 sq.ft along with the house.

2. The subject property was mortgaged in lieu of loan borrowed. Such disputes relating to the loan transactions cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. If at all any grievances exists, the writ petitioner has to approach the competent higher authority or the forum for the purpose of adjudication of facts and for redressing their grievances. Contrarily, this Court in a writ proceedings cannot call for the records in relation to the loan transactions and adjudicate the issues.

3. In this view of the matter, the petitioner is at liberty



to approach the higher authorities of the Indian Overseas Bank or approach the appropriate forum for adjudication of disputed facts, in the manner known to law.

4. With this liberty, the writ petition stands disposed of.
No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rap/ars

To

The Senior Manager,
Indian Overseas Bank,
Ponneri.

W.P.No.31579 of 2016

GPL(CO)
RGA(20/10/2021)