

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15864 of 2019

1.P.S.Vijayaraj
2.P.V.Jayanthi

... Petitioners

Vs

1.Syndicate Bank,
rep. by its Authorised Officer,
Regional Office,
Salem - 636 016,
Salem District.

2.Syndicate Bank,
rep. by its Branch Manager,
Johnsonpet Branch,
No.60, Sri Sai Kamatchi,
Natasepandaram Colony,
Kumarasampatty, Cherry Road,
Salem - 636 007,
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to forthwith return the original title deeds of the petitioners deposited by the petitioners under the Memorandum of Deposit of Title Deeds dated 10.5.2016 to the petitioners on payment of the entire loan amount of Rs.3,50,383/- with interest in respect of the Loan Account No.63009910000272 to the second respondent Bank.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mrs.S.R.Sumathy

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This is another of the frivolous litigations instituted by a borrower upon defaulting in payment to the secured creditor. Matters pertaining to money due from borrowers are covered by the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, and, in case security is furnished by way of any immovable property, by the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. In any event, the writ jurisdiction is scarcely the place where involved decisions as to accounting can be conveniently addressed on affidavit evidence in summary procedure. If the constituent has a grievance against the bank, the constituent may institute appropriate proceedings before a Civil Court if it does not wish to file a counter-claim before the Debts Recovery Tribunal. If the matter is covered by the Act of 2002 and the constituent is aggrieved by any of the measures taken by the secured creditor, the only recourse is by way of Section 17 of the Act of 2002, that too before the Debts Recovery Tribunal.

3. Since the relief sought cannot be granted in this jurisdiction, W.P.No.15864 of 2019 is dismissed and the writ petitioners are left free to pursue their remedies in accordance with law before any appropriate forum. There will be no order as to costs. Consequently, W.M.P.No.15666 of 2019 is closed.

Sd/-
Assistant Registrar(CS Vi)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sasi

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To:

1.The Authorised Officer,
Syndicate Bank,
Regional Office,
Salem - 636 016,
Salem District.

2.The Branch Manager,
Syndicate Bank,
Johnsonpet Branch,
No.60, Sri Sai Kamatchi,
Natasepandaram Colony,
Kumarasampatty, Cherry Road,
Salem - 636 007,
Salem District.

+1cc to Mr.K.Selvaraj , Advocate SR.No. 8211

W.P.No.15864 of 2019

A.SK(03.03.2021)



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