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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24532 of 2021

Mr.T.Vadivelmurugan

.. Petitioner

Versus

1. The Secretary,
Department of Financial Services,
Ministry of Finance,
3rd Floor, Jeevan Deep Building,
Sansadmarg, New Delhi 110 001.
2. The Branch Manager,
Canara Bank,
Shop No.50, Gollavar Agraharam Road,
GA Nagar, Washermenpet,
Chennai 600 021.
3. The Superintendent of Police,
Central Bureau of Investigation/ACB,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to return the original title deeds deposited with the second respondent Bank vide Letter Evidencing Deposit of Title Deeds dated 20.11.2000 or in the alternative issue the non-availability/lost certificate in respect of the parent documents viz., directing the second respondent to return the original Title Deeds deposited with the second respondent Bank vide Letter Evidencing Deposit of Title Deeds dated 20.11.2000 or in the alternative issue the non-availability/lost certificate in respect of the parent documents viz., (1) Original Sale Deed D.No.1544/83 dated 14.09.1983 (2) Original Sale Deed D.No.1074/85 dated 26.06.1985, (3) Original Sale Deed D.No.1508/87 dated 09.09.1987 (4) Original Sale Deed D.No.573/89 dated 10.04.1989 (5) Original Sale Deed D.No.1719/89 dated 10.11.1989 (6) Original Extract from the permanent Land Register dated 04.06.1986 and (7) Original Extract from the permanent Land Register dated 21.04.1998.



For Petitioner : Mr. K.R.Ramesh Kumar

For Respondents : Mr.M.Karthikeyan - R1
Government Advocate

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O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, to direct the second respondent to return the original title deeds deposited with the second respondent Bank vide Letter Evidencing Deposit of Title Deeds dated 20.11.2000 or in the alternative issue the non-availability/lost certificate in respect of the parent documents viz., directing the second respondent to return the original Title Deeds deposited with the second respondent Bank vide Letter Evidencing Deposit of Title Deeds dated 20.11.2000 or in the alternative issue the non-availability/lost certificate in respect of the parent documents viz., (1) Original Sale Deed D.No.1544/83 dated 14.09.1983 (2) Original Sale Deed D.No.1074/85 dated 26.06.1985, (3) Original Sale Deed D.No.1508/87 dated 09.09.1987 (4) Original Sale Deed D.No.573/89 dated 10.04.1989 (5) Original Sale Deed D.No.1719/89 dated 10.11.1989 (6) Original Extract from the permanent Land Register dated 04.06.1986 and (7) Original Extract from the permanent Land Register dated 21.04.1998.

2. The brief facts of the case are as follows:

(a) According to the petitioner, his wife was having a Current Account with the second respondent Bank and she availed a Secured Overdraft Facility from the second respondent to the limit of Rs.10,00,000/- for importing computer furniture from Malaysia. For the said purpose, the petitioner had offered his property bearing Old Door No.23, New Door No.28, 3rd Street, West Krishnappa Gramani Garden, Old Washermenpet, Chennai 600 021, as Collateral Security for the due payment of the above said Secured Overdraft Facility by way of deposit of title deeds dated 20.11.2000.

(b) The petitioner states that pursuant to the complaint pertaining to the above Secured Overdraft Facility extended to his wife, a case was registered in RC 6 (A)/2002 on 05.03.2002 against himself and his wife and then the Bank Manager by the third respondent. During the course of investigation, the third respondent has seized the Original Sale Deed dated 29.12.1997, registered as Document No.3255 of 1997 at Sub-Registrar Office, Royapuram from the second respondent and after completion of the investigation, the third respondent has filed a final report before the learned Principal Special Judge for Central Bureau of



Investigation Cases, Chennai and assigned C.C.No.37 of 2003. According to the petitioner, after completion of the Trial, the learned Principal Special Judge for Central Bureau of Investigation Cases, Chennai was pleased to acquit all the accused including the Branch Manager by his judgment dated 15.04.2005.

(c) The petitioner states that even after the discharge of the above said Secured Overdraft Facility, the respondents have not returned the Original Title Deeds except the Original Sale Deed dated 29.12.1997. According to the petitioner, in view of the filing of the petition before the Learned Principal Special Judge, Chennai for return of the Original Document viz., the Sale Deed dated 29.12.1997, the same was returned to the petitioner. However, the other parent documents relating to his property viz., the original sale deeds dated 14.09.1983, 26.06.1985, 09.09.1987, 10.04.1989, 10.11.1989 and the original extracts from the permanent land register dated 04.06.1986 and 21.04.1998, have not been returned and are still with the second respondent. Despite various representations submitted by the petitioner, the same were not returned by the second respondent. Therefore, the petitioner is before this Court with this writ petition.

3. Heard Mr.K.R.Ramesh Kumar, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Government Advocate for the first respondent and there is no representation for the respondents 2 & 3 and perused the materials placed on record.

4. Considering the facts and circumstances of the case and also having regard to the submissions made by the Learned Counsel appearing on either side, this Court directs the second respondent to return the original sale deeds and original extracts submitted by the petitioner under Letter evidencing the Deposit of Title Deeds dated 20.11.2000, within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rli



To

1. The Secretary,
Department of Financial Services,
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3rd Floor, Jeevan Deep Building,
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Chennai 600 006.

+1cc to M/s.K.R.Ramesh Kumar, Advocate, S.R.No.60086

W.P.No.24532 of 2021

BP(CO)
SU(20/12/2021)