WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.08.2021
CORAM
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.(MD).No.14579 of 2021

P.V.Paramasivam ... Petitioner

Vs.

Union Bank of India,
Cumbum Branch,
represented by its Branch Manager,
L.F.Road,
Cumbum,
Theni District. ... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to cancel the Memorandum of Deposit of Title Deeds 16.12.2005 executed by the petitioner before the Sub Registrar Office, Cumbum, Theni District, which is registered as Document No.4536/2005 in respect of the Loan No.667/50063 and issue clearance certificate to the petitioner.

For Petitioner : Mr.D.Malaichamy

For Respondent : Mr.N.Dilip Kumar

ORDER

The petitioner seeks a direction to the respondent Bank to cancel a memorandum of deposit of title deeds dated 16.12.2005.

2.The petitioner states that he availed of an agricultural loan from the respondent Bank and created a mortgage by deposit of title deeds over his lands as security for such loan.

3.According to the petitioner, the dispute between the petitioner and the bank was settled by the Lok Adalat on 08.12.2012. The petitioner claims that the amounts due and payable by the petitioner to the bank were paid in full in terms of the order passed in the Lok Adalat proceedings. Thereafter, in spite of requesting the bank to cancel the memorandum of deposit of title deeds, it stated that the bank has failed to do so. The present Writ Petition is filed in these facts and circumstances.

4.Mr.N.Dilip Kumar, learned counsel, accepts notice on behalf of the respondent bank. He submits, on instructions, that the loan availed of by the petitioner has been duly discharged and that the request of the petitioner to cancel the memorandum of deposit of

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title deeds would be acted upon within a reasonable time frame.

5.Ordinarily, this Court, in exercise of the extraordinary jurisdiction under Article 226 of the Constitution, would not interfere with regard to loan transactions between a bank and its constituent. However, in view of the submissions of learned counsel for the bank that the loan has indeed been discharged, the bank should act on the petitioner's request for cancellation of the memorandum of deposit of title deeds expeditiously. Accordingly, the respondent is directed to initiate action in response to the petitioner's request for cancellation of the memorandum of title deeds and take all necessary steps in such regard within a period of two (2) months from the date of receipt of a copy of this order. The petitioner shall also extend all necessary co-operation in such regard.

6.W.P.(MD).No.14579 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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RD(26.08.2021) 2P 1C

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