



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.15616 of 2021

S.Suyambulingam

... Petitioner

Vs.

1.The Regional Manager,
Tamil Nadu Mercantile Bank Limited,
Tirunelveli Region,
No.3A/16, First Floor,
Vannarapettai, South By-Pass Road,
Tirunelveli-627 003.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Tisaiyanvilai Branch,
Tirunelveli District.

... Respondents

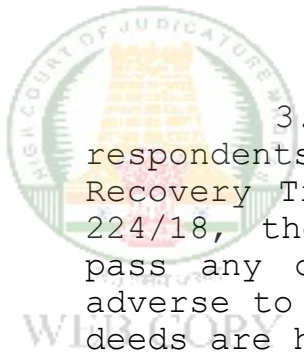
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.1 and 2 to return the petitioner's entire original documents deposited on 26.02.2005 by virtue of registered deposit of title deed dated 1665/2013 by considering the petitioner's representation, dated 28.07.2021, without delay.

For Petitioner : Mr.R.Balakrishnan
For Respondents : Mr.Pethu Rajesh
Standing Counsel

ORDER

The present Writ Petition has been filed in the nature of Mandamus seeking a direction for return of title deeds which had been deposited with the Bank.

2. The title deeds of the petitioner's property had been deposited with the Respondents/Tamil Nadu Mercantile Bank Limited in view of the earlier loan transactions between the petitioner and the respondent. Now the accounts have been settled and it is stated by learned counsel for the respondents that the Bank will have to pay a certain sum of amount to the petitioner on reconciliation of the accounts.



3. The contention raised by the learned counsel for the respondents is that since the petitioner had rushed to the Debt Recovery Tribunal and had filed S.A.Nos.246/18, 258/18, 173/18 and 224/18, the said Tribunal on the basis of those applications may pass any order that may be adverse to the petitioner or may be adverse to the respondent herein. It is therefore stated that title deeds are held pending disposal of the aforesaid petitions.

4. Learned Counsel for the petitioner however stated that he had filed necessary memos before the Tribunal seeking withdrawal of the said S.A.Nos.246/18, 258/18, 173/18 and 224/18, but orders have not been passed owing to vacancy in the Tribunal.

5. There is always an alternate Tribunal member who can examine these issues and the petitioner may urge, on the basis of the present order that necessary orders may be passed in his memos seeking withdrawal and a direction is issued that if such a request is placed, the alternate Tribunal member may examine such withdrawal memos, and if they are *bona fide*, pass necessary orders.

6. After the order is passed within a period of three (3) weeks, the debits and credits between the petitioner and the respondents should be reconciled and if money is to be paid, it must be paid to the petitioner and the title deeds should be returned back to the petitioner herein.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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.

To:

1.The Regional Manager,
Tamil Nadu Mercantile Bank Limited,
Tirunelveli Region,
No.3A/16, First Floor,
Vannarapettai, South By-Pass Road,

<https://hcservices.ecourts.gov.in/hcservices> 27 003.



2.The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Tisaiyanvilai Branch,
Tirunelveli District.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-34220[F] dated 12/11/2021)

+1 CC to M/s.R. BALAKRISHNAN, Advocate (SR-34210[F] dated 11/11/2021)

W.P (MD) No.15616 of 2021
11.11.2021

RD(29.11.2021) 3P 5C