



WEB COPY



W.P.No.39057 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.39057 of 2015

Prof.Dr.S.Arumugam

... Petitioner

Vs

1.The General Manager,
Customer Grievances Redressal Cell,
State Bank of India,
16, College Lane,
Chennai – 600 006.

2.The Assistant General Manager,
Retail Assets Centralized Processing Centre,
State Bank of India,
16, Whannels Road, Egmore,
Chennai – 600 008.

3.The Branch Manager,
State Bank of India,
Anna University Branch,
Guindy, Chennai – 600 025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to comply the order passed by the Banking Ombudsman in Complaint No.C-2958/2012-2013 dated 31.01.2013 and consequently direct the



W.P.No.39057 of 2015

respondents to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) as a compensation for the loss caused by them to the petitioner.

For Petitioner : Ms.J.P.Dhanyasree
for Mr.M.Vijay Anand

For Respondents : Ms.Reshmitha G Sarma
for M/s.Raj & Raj Associates

ORDER

This Writ Petition has been filed for a Mandamus, to direct the respondents to comply the order passed by the Banking Ombudsman in Complaint No.C-2958/2012-2013 dated 31.01.2013 and consequently to direct the respondents to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) as a compensation for the loss caused to the petitioner.

2. It appears that the petitioner has approached the respondents Bank for house loan way back in 2004 and the petitioner has also discharged the obligations on 09.05.2009.

3. It is the specific case of the petitioner that at the time of obtaining loan from the respondents Bank, the petitioner had mortgaged the Title Deed and had also given the Patta. However, after the loan was discharged and closed,



W.P.No.39057 of 2015

the respondents Bank stated that they had lost the Patta. Under these circumstances, the petitioner was compelled to approach the Office of the Banking Ombudsman by filing Complaint No.C-2958/2012-2013 against the third respondent Bank.

4. It is submitted that despite order being passed by the Banking Ombudsman on 31.01.2013 in his proceedings bearing BO(Che)/10142/C-2958/2012-13, the third respondent Bank has not taken any steps for obtaining Patta.

5. The learned counsel for the respondents would submit that pursuant to the order of the Banking Ombudsman, an attempt was made with the Tahsildhar, Mambalam for issuance of Patta which was lost by the third respondent Bank and that they came to know that the Jurisdiction has been changed and has been now vested with the Tahsildhar, Velacherry.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the respondents.

7. The petitioner was aged about 64 years at the time with the writ



W.P.No.39057 of 2015

petition was filed. Another, seven years have lapsed since then. In my view, the petitioner has unnecessarily approached the Banking Ombudsman for the relief.

8. The admitted facts of the case is that the petitioner had given Patta to the third respondent Bank at the time of obtaining loan in the year 2004. When the loan was discharged, the third respondent Bank expressed its inability to hand over the Patta as it was lost by the third respondent Bank.

9. It was therefore open for the petitioner to file an application for issuance of duplicate Patta with the concerned Authority instead of approaching the Banking Ombudsman. Considering the fact that the petitioner is a Senior Citizen aged about 71 years as on date, I am inclined to dispose of this Writ Petition by giving liberty to the petitioner to approach the Jurisdictional Tahsildhar for issuance of duplicate Patta dated 23.11.1993.

10. If such application is being filed by the petitioner, the Jurisdictional Tahsildhar i.e., the Tahsildhar, Velacherry is directed to issue duplicate Patta to the petitioner, within a period of four weeks from the date of receipt of a copy of



W.P.No.39057 of 2015

this order.

WEB COPY

11. With the above direction, this Writ Petition stands disposed of accordingly. No costs.

23.09.2022

Index: Yes/No
Speaking/Non-Speaking Order

arb

To

- 1.The General Manager,
Customer Grievances Redressal Cell,
State Bank of India,
16, College Lane,
Chennai – 600 006.
- 2.The Assistant General Manager,
Retail Assets Centralized Processing Centre,
State Bank of India,
16, Whannels Road, Egmore,
Chennai – 600 008.

C.SARAVANAN, J.

arb

- 3.The Branch Manager,
State Bank of India,
Anna University Branch,
Guindy, Chennai – 600 025.



WEB COPY



W.P.No.39057 of 2015

W.P.No.39057 of 2015

23.09.2022