



W.P.(MD).No.8073 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8073 of 2013

and

M.P(MD) No. 1 of 2013

S.Ramesh

... Petitioner

-VS-

1. The Branch Manager,
Bank of India,
No.27, Sivankovil North Street,
Sivaganga – 630 561.

2. The Zonal Manager/ Authorized Officer,
3rd Floor, 324, Oppanakara Street,
Coimbatore – 641 001.

3. M.Ilango

4. I.Vinothini

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to hand over the original title deeds of the property bearing Survey No. 216/1, New No.216/6B, Door No.3/1099-A, wherein a school is being run under the name of Muthu Matriculation School situated at Idaiyamelur

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Village, Sivagangai Melur Main Road, Sivagangai District to the petitioner forthwith in pursuance of the petitioner's representation dated 02.05.2013 to the respondents 1 and 2 and pass such further or other orders as this Court.

For Petitioner : Mr.S.Ramakrishnan

For Respondents : No appearance

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus directing the Respondents 1 and 2 to hand over the original title deeds relating to certain Survey numbers to the writ petitioner in pursuance of his representation, dated 02.05.2013.

2. According to the petitioner, the respondents 3 and 4 are the owners of the property and they have executed a registered sale deed in favour of the writ petitioner, on 05.03.2012.

3. According to the learned counsel for the writ petitioner, the respondents 3 and 4 have created a mortgage in favour of the respondents 1 and 2 Bank and suppressing the said fact, they have sold the property in



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favour of the writ petitioner, on 05.03.2012. On coming to know about the proceedings initiated by the respondents 1 and 2 Bank, the petitioner has approached the bank and paid the entire dues. The Respondents 1 and 2 by their communication, dated 27.03.2013 have confirmed that they have received the entire loan amount and they have closed the loan account. However, they have refused to release the parent deeds in favour of the writ petitioner on the ground that unless an order is passed by the competent civil Court, they will not release the document. Hence, the present Writ Petition.

4. Though the respondents 1 and 2 Bank have been served, there is no representation on their side, the respondents 3 and 4 who are the vendors of the writ petitioner have also been served and there is no representation on their side.

5. A perusal of the records submitted by the writ petitioner, clearly indicate that a loan has been borrowed by the respondents 3 and 4. The Bank has issued a communication, dated 27.03.2013 closing the loan



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account. The respondents 3 and 4 have already executed a sale deed in favour of the writ petitioner, on 05.03.2012. However, the parent documents are in the custody of respondents 1 and 2 for the loan amount borrowed by the respondents 3 and 4. The writ petitioner, being owner of the property is entitled to the custody of the parent documents.

6. In view of the above said facts, the respondents 1 and 2 are directed to release the parent documents to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this Writ Petition stands allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR,J.

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