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W.P.(MD)NO.14206 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14206 of 2019

K.Senthoorpandi

... Petitioner

Vs.

The Branch Manager,
Union Bank of India,
LF Road, Cumbum Town,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue discharge certificate by cancelling the Memorandum of Deposit of Title Deeds registered as Document No.4018 of 2005 before the Sub Registrar Office at Cumbum, Theni District.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.C.Karthik,
Standing Counsel.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner's vendor had availed mortgage loan from the respondent bank. During the subsistence of the mortgage, he sold one mortgaged item in favour of the petitioner. The fact remains that the mortgage loan had been settled in full.

3. Even though there was infraction of the terms and conditions of the mortgage in view of the settlement of the loan amount transaction, the respondent is directed to issue discharge certificate by cancelling the petition mentioned MOD. The petitioner shall bear the registration expenses. The respondent shall depute authorised representative for registration so that the entire formalities can be concluded. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. After the MOD is cancelled, the original documents deposited by the petitioner's vendor shall also be returned to the petitioner.



4. This writ petition stands allowed. No costs.

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12.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Branch Manager,
Union Bank of India,
LF Road, Cumbum Town,
Theni District.



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G.R.SWAMINATHAN,J.

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