



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.13145 of 2022

L.Senthilnathan

... Petitioner

Vs.

1.The Branch Manager,
Bank of Baroda,
KN Hospital Road Branch,
Church Complex, Near Municipal Office,
KN Hospital Road, Dindigul-624 001.

2.The Registrar/Office In charge
The Debts Recovery Tribunal,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to return the original documents filed in O.A.No.266 of 2012 to the first respondent to enable the first respondent Bank to hand over the same to the petitioner.

For Petitioner : Mr.N.Sundaresan
For Respondents : Mr.K.Muralitharan for R.1

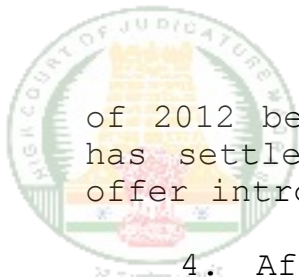
O R D E R

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.N.Sundaresan, learned counsel for the petitioner and Mr.K.Muralitharan, learned counsel for the first respondent.

2. This Writ Petition has been filed for issuance of a writ of Mandamus directing the second respondent to return the original documents filed in O.A.No.266 of 2012 to the first respondent Bank to enable the first respondent to hand over the same to the petitioner.

3. The petitioner is the borrower, who has availed loan from the first respondent. The first respondent has initiated proceedings for recovery. During the pendency of the proceedings in O.A.No.266



of 2012 before the Debt Recovery Tribunal, Madurai, the petitioner has settled the entire dues by accepting the one time settlement offer introduced by the Bank.

4. After the dispute was settled between the Bank and the petitioner, it appears that the petitioner faces difficulty in getting back the original documents which were deposited with the first respondent Bank. It is admitted that the first respondent Bank has moved for return of the original documents before the Debt Recovery Tribunal in connection with the proceedings in O.A.No.266 of 2012. Therefore, the petitioner now seeks a direction to the Debt Recovery Tribunal, Madurai, to hand over the original documents to the first respondent Bank to enable them to return the documents to him.

5. In fact, there is no Presiding Officer in Debt Recovery Tribunal, Madurai. As per Section 22 in the Debts Recovery Tribunal (Procedure) Rules, 1993, the Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these Rules or by the Presiding Officer by a separate order in writing. The documents, which are sought to be withdrawn, are the title deeds which the petitioner may require for various purposes. It is also stated by the learned counsel appearing for the petitioner that the petitioner is proposed to execute a sale deed in respect of secured property and therefore, he requires the original documents.

6. Considering the grievance of the petitioner and the fact that the first respondent Bank has no objection in returning the documents which belonged to the petitioner, this Court directs the Registrar, Debts Recovery Tribunal, Madurai, to return the original documents which were filed in O.A.No.266 of 2012 within a period of two weeks from the date of receipt of a copy of this order. When the documents are furnished to the Bank, the first respondent Bank shall forthwith hand over the same to the petitioner.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

ssb



To

1.The Branch Manager,
Bank of Baroda,
KN Hospital Road Branch,
Church Complex, Near Municipal Office,
KN Hospital Road, Dindigul-624 001.

2.The Registrar/Office In charge
The Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.N. SUNDARESAN, Advocate (SR-27974[F]
dated 24/06/2022)

ORDER MADE IN
W.P (MD) No.13145 of 2022
24.06.2022

SE (CO)
GC (29.06.2022) 3P 4C