



W.P(MD)No.13362 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM

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

W.P(MD)No.13362 of 2022

M/s.J.J.Educational Health and Charitable Trust,
Rep.by its Chairman,
S.Ramamoorthy,
No.6, Old Karur Bye Pass Road,
Velayuthampalayam, Karur.

... Petitioner

Vs.

1.The Registrar,
Debt Recovery Tribunal,
Madurai.

2.Punjab National Bank,
K.K.Nagar Branch,
Through its Branch Manager,
Having Office at
Plot No.404, EVR Road,
K.K.Nagar, Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to return the documents filed by the second respondent and marked as Ex.A-1 to A-75 in O.A.No.943 of 2016 within the time fixed by this Court.



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For Petitioner : Mr.V.S.Kishore Kumar
For Respondents : Mr.H.Arumugam
Standing Counsel

ORDER

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

Heard Mr.V.S.Kishore Kumar, learned counsel for the petitioner and Mr.H.Arumugam, learned Standing Counsel for the second respondent Bank.

2. This Writ Petition has been filed for issuance of a writ of Mandamus, directing the first respondent to return the documents filed by the second respondent, which were marked as Exs.A-1 to A-75 in O.A.No.943 of 2016 within the time fixed by this Court.

3. It is an admitted fact that the petitioner Trust has availed loan from the second respondent Bank by furnishing their property as security. Though the second respondent Bank has initiated proceedings in O.A.No.943 of 2016 before the Debt Recovery Tribunal, Madurai, pursuant to the recovery certificate issued by the Tribunal, the petitioner



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has settled the entire amount due to the second respondent Bank.

Therefore, the second respondent Bank is bound to return the documents which were deposited by the petitioner. In this regard, the second respondent Bank has also filed an application in I.A.No.2300 of 2022. However, the said application is yet to be disposed of.

4. This Court, in similar circumstances, has directed the Registrar of the Tribunal to hand over the documents to the applicant, namely, Bank in Original Application, so that, the Bank will hand over the documents which are required to be handed over to the borrower. As per Rule 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.

5. Since the application filed by the second respondent Bank is pending before the Debt Recovery Tribunal, Madurai and there is no Presiding Officer, this Court is inclined to pass orders in the interest of



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justice, so that, the borrower will get the documents at an early date.

Hence, this Court directs the Registrar, Debts Recovery Tribunal, Madurai, to return the original documents which were filed in O.A.No. 943 of 2016 within a period of two weeks from the date of receipt of a copy of this order to the Bank. When the documents are furnished to the Bank, the second respondent Bank shall forthwith hand over the title deeds and the documents deposited with the Bank in connection with the equitable mortgage.

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

[S.S.S.R., J.] [S.S.Y., J.]
28.06.2022

Index : Yes/No
Internet : Yes
ssb



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To

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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
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28.06.2022