

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15821 of 2022

P.Poongodi

... Petitioner

Vs

1.The Reserve Bank of India,
Central Office,
Department of Banking,
Operation Development Centre No.I,
World Trade Centre,
Cuffee Parade,
Mumbai – 400 005.

2.The Chief Manager,
The South Indian Bank Limited,
Madurai Regional Office,
Ellis Nagar,
Madurai – 625 016.

3.The Branch Manager,
The South Indian Bank Limited,
Oddanchathiram Branch,
Palani Road,
Oddanchathiram – 624 619,
Dindigul District.

4.Lakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second and third respondents to return the petitioner title deeds in connection with the property in Survey No.SF 58/2A (with building) Kalanjipatti Village, Oddanchathiram Taluk, Dindigul District vide Loan Account No. 0439655000000082 on the file of the third respondent Bank by considering the representation of the petitioner dated 29.6.2022 within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For R-1 : Mr.K.R.Laxman

For R-2 and R-3 : Mr.A.R.M.Ramesh

For R-4 : No Appearance.

ORDER

Heard the learned counsels on either side.

2. Though the notice has been served to the fourth respondent and the name is printed in the cause title, she has not chosen to enter appearance.

3. The writ petitioner's husband Thiru.Periyasamy, availed loan from the South Indian Bank Limited. He had mortgaged the petition mentioned

property. The borrower died on 24.01.2013. Subsequently, the loan amount has also been settled. The petitioner wants that title deeds back.

4. The learned counsel appearing for the respondent Bank submitted that not only the writ petitioner but the fourth respondent is also a class-1 legal heir of the deceased Periyasamy. The fourth respondent is none other than the mother of Periyasamy. Therefore, the Bank is apprehensive that tomorrow they may face legal action at her instance and that is the reason for not handing over the petition mentioned documents.

5. The petitioner's specific stand is that the property in question had been allotted to the share of the petitioner in the partition deed dated 21.03.2013. It was entered into between the petitioner on one hand and the fourth respondent on the other. It is a registered document (Document No.883/2013 on the file of Sub Registrar, Oddanchathiram). Such an averment has been pleaded in the affidavit filed in support of the Writ Petition also. The fourth respondent has not appeared before this Court to contest the said stand of the writ petitioner.

6. I can take it that the writ petitioner's case remains un-controverted. Therefore, I direct the third respondent to return the petition mentioned documents to the writ petitioner. The writ petitioner shall execute an indemnity bond before the third respondent. The other formalities that may be stipulated by the third respondent will also be complied with by the writ petitioner.

7. Subject to the above, this Writ Petition is allowed. There shall be no order as to costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr

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G.R.SWAMINATHAN, J.

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