



W.P.(MD)No.16150 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM:

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

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M.Ramar

... Petitioner

Vs.

The Chief Manager / Authorized Officer,
Bank of Baroda,
Sivakasi Branch, Ayyan Complex,
Opposite to Sivakasi Bus Stand,
Sivakasi – 626 123,
Virudhunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to accept the outstanding amount in loan Account No.33090500004892 to the tune of Rs.7,62,951/- and to release the document mortgaged for the loan.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.R.Pandivel
Standing Counsel

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ORDER

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

This Writ Petition is filed for issuance of a Writ of Madamus, directing the respondent to accept the outstanding amount in loan Account No.33090500004892 to the tune of Rs.7,62,951/- and to release the document mortgaged for the loan.

2. Heard Mr.J.Jeyakumaran, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, appearing for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Learned counsel for the petitioner submits that the petitioner is ready to discharge the loan and he also produced a Demand Draft towards settlement of the loan and he prays for release of documents mortgaged for the loan.

4. Learned Standing Counsel appearing for the respondent bank submitted that the bank has no difficulty in accepting the payment, however, it is pointed out that prayer for return of documents cannot be permitted as the petitioner has



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offered the same property as security in two different loans and therefore, this Court may pass suitable orders.

5. Considering the prayer made in the writ petition and the submissions of learned counsel for the petitioner and learned Standing Counsel for the respondent, the Writ Petition is disposed of with the following directions:-

5.1 The petitioner shall handover the Demand Draft to the learned Standing Counsel for the Bank or deposit the same in the loan account. If there is any dues in the account in accordance with the calculation, the petitioner may also pay the same, which will be considered as payment towards discharge of loan Account No.33090500004892.

5.2 As the property is also secured for another loan, which has been confirmed by the respondent bank, it is open to the petitioner to approach the respondent Bank to redeem the property in the way as the petitioner wish.

5.3 The respondent Bank shall close the account after crediting the amount now available to the Bank by en-cashing the demand draft. If there is any balance to be paid, it is open to the respondent to collect the same from the petitioner. However, no



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default charges or penal charges be collected by the respondent bank by enhancing the dues artificially.

5.4 Upon making further payments to clear the other loan also, the respondent bank shall handover the documents, collected while creating equitable mortgage, within two weeks from the date of closure of loan accounts, the recovery of which is secured by mortgage.

No costs.

[S.S.S.R., J.] [S.S.Y., J.]
22.07.2022

Index : Yes / No
sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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