



W.P. (MD) No.18732 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.18732 of 2020

Priya

... Petitioner

Vs.

1.The Regional Manager,
O/o.The Regional Office,
Indian Overseas Bank,
Vetturnimadam,
Nagercoil, Kanyakumari District.

2.The Branch Manager,
Indian Overseas Bank,
Arumanai Branch,
Kanyakumari District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to execute a receipt discharging the memorandum of deposit of title deed in favour of the petitioner and to handover all the documents to the petitioner, which the petitioner has deposited with the second respondent on 11.07.2014 while executing the document at Arumanai Sub Registrar Office on 17.07.2014, vide Doc.No.1386/2014, in the event of non-disbursement of loan amount of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the petitioner till date, within the time stipulated by this Court.



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W.P. (MD) No.18732 of 2020

For Petitioner : Mr.S.A.Ajmal Khan
for Mr.C.Kishore
For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to execute a receipt discharging the memorandum of deposit of title deed in favour of the petitioner and to handover all the documents to the petitioner, which the petitioner has deposited with the second respondent on 11.07.2014 while executing the document at Arumanai Sub Registrar Office on 17.07.2014, vide Doc.No.1386/2014, in the event of non-disbursement of loan amount of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the petitioner till date.

2.The husband of the petitioner approached the second respondent seeking an agricultural loan by pledging the petitioner's land in R.S.No. 507/5, Arumanai Village, Kanyakumari District to an extent of 3 acres 33 cents. After visiting the property, the second respondent insisted to submit legal scrutiny report and valuation report, thereafter to execute a memorandum of deposit of tile deeds in favour of the bank. The husband



W.P. (MD) No.18732 of 2020

of the petitioner has complied with all the queries and submitted all the necessary documents. But the respondent bank did not sanction or disburse the loan amount even after the repeated request.

3.The learned counsel for the petitioner submitted that the respondent bank has agreed to sanction the agricultural in favour of the petitioner's husband by mortgaging the property of the petitioner. Even though the petitioner had complied with the queries of the petitioner, no action for disbursing the loan amount was taken. Hence, the husband of the petitioner issued a letter dated 04.07.2017 but the same was not responded. Thereafter, the petitioner issued a legal notice on 28.07.2017. The respondent bank sent a reply stating that on 15.07.2014 itself the loan amount to the tune of Rs.14,50,000/- was disbursed and the petitioner is trying to escape from the liability. Further, the husband of the petitioner has acknowledged the disbursement of the said loan amount.

4.He further submitted that the petitioner and her husband enquired with the respondent bank and came to know that some irregularities were done by the staff of the respondent bank. Hence, the



W.P. (MD) No.18732 of 2020

petitioner and her husband were requested to wait for some more time for discharging the memorandum of title deeds. Since no steps had been taken by the respondent bank, the petitioner sent a detailed representation dated 16.10.2020 requesting the respondent to either disburse the loan amount or discharge the memorandum of title deeds. The petitioner and her husband were run from pillar to post by the second respondent without disbursing the loan amount. Since the repeated requests, for disbursement of loan amount of the petitioner and her husband, were went in vain, the petitioner is before this Court with the aforesaid prayer.

5.The learned Standing Counsel appearing for the respondent bank submitted that the erstwhile Assistant Manager, namely Ms.Girija, who is now dismissed from the service, had committed misappropriation of funds and irregularities. She had also indulged in manipulation of records and acted in a manner of unbecoming employee of a financial institution, inasmuch as she had conferred her pecuniary gains to the persons known to her by opening fictitious bank accounts. One such manipulation is opening an account in the name of the petitioner's husband, Mr.Sudhir Kumar. He further submitted that the said Girija had



W.P. (MD) No.18732 of 2020

only opened an account in the name of the petitioner's husband and authorized for two cash withdrawal of Rs.5.0 lakhs aggregating to Rs. 10.00 lakhs by allowing TOD of Rs.10 lakhs. She had fraudulently debited and transferred the funds from other saving bank accounts.

6.The learned Standing counsel further submitted that since the charges levelled against the said Assistant Manager were proved, now she is dismissed from service. The original title deeds of the petitioner will be returned to the the petitioner, after completing the formalities.

7.I have heard the submissions made by the learned counsel for the petitioner and the learned Standing counsel for the respondent Bank. There is no dispute that the petitioner had submitted her original title deeds and executed a memorandum of deposit of title deed in favour of the second respondent enabling the bank to disburse the loan. Now the original title deeds are with the second respondent. The staff member of the respondent bank had failed to protect the interest of the Bank and discharge her official duty with utmost honesty and integrity. The petitioner is one of the victims in the immorality of a staff of the second



W.P. (MD) No.18732 of 2020

respondent Bank.

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8.Since the problem had arisen only by the staff member of the respondent bank, this Court is of the view that the respondent bank is bound to rectify the same. Hence, the respondent bank is directed to return the original documents to the petitioner, which have been received from the petitioner and her husband, after completing the formalities, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention here that necessary orders to be passed enabling the Registration Authority to revoke the endorsement of the deposit of title deeds. The petitioner and her husband are also directed to render their utmost co-operation to complete the process of returning the documents.

9.This Writ Petition is allowed of in the aforesaid terms. No costs.

08.11.2022

Index : Yes/No
Internet : Yes/No
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W.P. (MD) No.18732 of 2020

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W.P. (MD) No.18732 of 2020

V.BHAVANI SUBBAROYAN, J.

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Order made in
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