



W.P.(MD) No.25215 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.25215 of 2022

P.Aruldass

... Petitioner

Vs.

1.The Authorized officer /
The Regional Manager,
Regional Office, South Indian Bank,
1st Floor, YMCA Building,
Opposite to Astoriya Hotel,
70 Feet Road,
Madurai – 625 016.

2.The Branch Manager,
South Indian Bank,
Tirunelveli Branch,
No.32, Madurai Road,
Hotel Blue Star Complex,
Junction, Tirunelveli - 627 001.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to hand over the title deed No.396 of 2005 dated 17.03.2005 registered in the Joint Sub Registrar No.1, Thoothukudi to the petitioner.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.R.Pandivel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to hand over the title deed No.396 of 2005 dated 17.03.2005, registered in the Joint Sub Registrar No.1, Thoothukudi to the petitioner.

2. The petitioner has purchased a land by way of Registered sale deed No. 4062 of 2011, dated 23.12.2011 from one Satacharam and he got a home loan



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from the 2nd respondent bank, by way of deposit of title deed No.396 of 2005, dated 11.03.2005. Thereafter, the above said borrower became defaulter for the Non Performance of Agreement. Hence, the petitioner has paid the entire loan amount to the 2nd respondent and the 2nd respondent has also given the loan closure certificate dated 01.07.2022 to the petitioner. Thereafter, the petitioner made a representation to the respondents to return the original title deeds, which was deposited before the 2nd respondent. But, till date, no action has been taken by the respondents to hand over the same. Hence, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the respondents bank submitted that at the time of purchasing the property by the petitioner, the original title deeds has been mortgaged under the respondents bank. He further submitted that as per the conditions, the respondents Bank has to hand over the original document to the borrower and the petitioner has not produced any authorisation from the aforesaid Satacharam and hence, if the borrower is approached the respondent bank, the original title deeds will be handed over to the borrower.



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4. Heard the learned counsel appearing for both sides and perused the materials available on record.

5. On a perusal of the sale deed No.4062 of 2011, executed in favour of the petitioner, it is seen that at the time of executing the document, the borrower has stated that after receiving the original documents from the respondents bank, he will hand over the same to the petitioner. In view of the specific stand taken by the respondent that if the borrower is approached the respondent bank, the original title deeds will be handed over to the borrower, we are of the view that the relief sought for by the petitioner cannot be granted and the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. It is open to the petitioner to work out his remedy in the manner known to law. No costs.

[D.K.K., J.] [R.V., J.]
19.12.2022

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