



W.P.No.12670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12670 of 2023

S.Rajagopalan

...Petitioner

Vs.

1. The Regional Manager,
M/s. Axis Bank Limited,
No.192, Ground Floor, Kurumuthu Nilayam,
Anna Salai, Express Estate
Royapettah, Chennai - 600 002.

2. M/s. Axis Bank Limited,
Loan Centre,
No.6A, 2nd Floor, Centennial Square,
Dr Ambedkar Road, Kodambakkam,
Chennai - 600 024.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents authorised person to enable them to execute a deed of receipt to the petitioner's favour on an equitable mortgaged property, vide its Document No.3423/2015, dated 07.08.2015 on the file of Sub Registrar Office, Anna Nagar, Chennai and also allow the petitioner to collect his deposited Title Deeds such as original Sale Document No.3594/2008 and 2566/2000 from the 2nd respondent by considering disposal of the petitioner's representation dated 24.03.2023 and 03.04.2023.



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For Petitioner : Ms.B.Shanmugapriya

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representations dated 24.03.2023 & 03.04.2023 and dispose of the same as expeditiously as possible.

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that he availed Axis Bank Asset Power Loan for a sum of Rs.24,78,593/- by depositing his title deeds such as Original Sale Doc.Nos.3594/2008 and 2566/2000 for an equitable mortgage of property, vide its Doc.No.3423/2015 dated 07.08.2015 and the repayment tenure EMI's of the said loan is 169 months. While so, for non-payment of monthly EMI, the petitioner's loan account has become Non-performing Asset (in short 'NPA'). In order to avoid sale auction of the petitioner's property, he approached the 2nd respondent for negotiation to settle the entire loan dues and the 2nd respondent has given One time



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Settlement option to the petitioner. Accordingly, the petitioner paid the entire loan due to the respondents on 08.02.2023, pursuant to which, the respondent bank issued "Statement of Accounts" along with No Due certificate on 08.02.2023. Despite the same, till date, the respondents have not returned the original title deeds produced by the petitioners at the time availing the loan. Therefore, the petitioner sent a representation dated 24.03.2023 to the Respondent bank's Nodal Officer, Grievance cell and to the 2nd respondent herein, seeking to execute a deed of receipt in favour of the petitioner and also to allow him to collect the above said deposited Title Deeds, which evoked no response. Aggrieved by the inaction on the part of the respondent bank, the petitioner made a detailed representation dated 03.04.2023 before the 1st respondent, requesting to assist their authorized persons to execute a deed of receipt in favour of the petitioner, however, till date, no orders have been passed on the same. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representations dated 24.03.2023 & 03.04.2023 and to consequently execute a deed of receipt to the



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petitioner's favour on an equitable mortgaged property, vide its Doc.No.3423/2015, dated 07.08.2015 and also allow the petitioner to collect his deposited Title Deeds from the 2nd respondent.

5. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representations dated 24.03.2023 and 03.04.2023 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

6. Accordingly, this Writ petition stands disposed of. No costs.

27.04.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Regional Manager,
M/s. Axis Bank Limited,

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M.DHANDAPANI., J.

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