



WEB COPY



W.P.No.14344 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14344 of 2020

S.Sankar

. . . Petitioner

Vs.

1. The Regional Head,
HRD Department,
Lakshmi Vilas Bank,
Regional Office,
LVB Platinum Jubilee Building,
No.68, Oppanakara Street,
Coimbatore.

2. The Branch Manager,
Lakshmi Vilas Bank,
No.60, Andal Street,
Shevapet Branch,
Shevapet,
Salem.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue the Writ or Order or Direction in the nature of Writ of Mandamus, directing the Respondents Bank to cancel the Memorandum of Deposit of Title Deed in Doc.No.164 of 2017 dated 25.01.2017 registered before the Sub Register Office, K.Sathaur, Trichy District and to return the original title deeds deposited along with the above said Memorandum of Deposit of Title Deeds based on the petitioner's representation dated 05.09.2020.



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For petitioner : M/s.D.Rameshmumar
For Respondents : Mr.Anand Gopalan,
for M/s.T.S.Gopalan & Co

ORDER

This Writ Petition has been filed for a direction to the respondents bank to cancel the Memorandum of Deposit of Title Deed dated 25.01.2017 and to return the original title deeds deposited along with the above said Memorandum of Deposit of Title Deeds based on the petitioners representation dated 05.09.2020.

2. In view of the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. It is the case of the petitioner that he was working as a Branch Manager in Lakshmi Vilas Bank in various Branches of Tamil Nadu. Due to some disputes in the loan accounts of various branches of the respondent bank, a charge was raised against the petitioner which resulted in dismissal of the petitioner from the respondent bank. During the course of his



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employment, the petitioner and his wife availed a housing loan from the 2nd respondent branch, to the tune of Rs.31,00,000/- by entering into a Memorandum of Deposit of Title Deeds which was then duly registered. Though, the petitioner has re-paid the entire loan amount, however, the 2nd respondent branch has not executed the Memorandum of deposit of title deeds. Therefore, the petitioner made a representation dated 05.09.2020 to the respondents, requesting to cancel the Memorandum and return the original title deeds to the petitioner, however, the said representation did not yield any response, the petitioner is before this Court by way of this Writ Petition.

4. Learned counsel for the petitioner submits that this Court may issue a direction to the respondents to verify as whether the petitioner has settled the entire loan amount, if so, return the original title deeds to the petitioner within the time that may be stipulated by this Court.

5. Learned counsel appearing for the respondents submits that in *catena* of decisions the Hon'ble Supreme Court has repeatedly held that the private banks does not fall under the purview of Writ Jurisdiction and



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therefore, this Writ Petition is not maintainable. Further, during the pendency of this Writ Petition, the respondent bank was merged with the DBS bank which bank has been made a party to this Writ Petition. However, if the petitioner had settled the entire loan amount, the original title deeds will be released in favour of the petitioner.

6. Though this Writ Petition is not maintainable, however, in view of the consent expressed by the learned counsel appearing on either side, this Court is inclined to issue a direction to the respondent bank to release the original title deeds in favour of the petitioner if the petitioner has settled the entire loan amount.

7. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

16.06.2023

Index : Yes / No
Internet : Yes / No

NHS



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M.DHANDAPANI, J

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