



WP No.16358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.16358 of 2023

S.Rajam

: Petitioner

versus

The Branch Manager,
Federal Bank Branch
Nos.64 & 66, Rangar Sannathi Street,
Sendamangalam main Road,
Namakkal 637 001

: Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to cancel the memorandum of title deeds in respect of property 1)No.184/3 with an extent of 733 sq.ft with 68 sq.m house with EB Connection and also borewell from one B.Banumathi which duly registered in Joint Sub-Registrar II Namakkal vide Doc.No.2866/2005 on 18.11.2005 situated at Ramapurampudur Main Road, namkkal Municipality limit (2) S.No.110/1A1 out of 1.5505 with an extent of 440 sq.ft from one Jayabal which duly registered in Joint Sub-Registrar-II, Namakkal vide Doc.No.101/2007 on 12.01.2007 situate at Ramapurampudur Main Road, Namakkal Municipality limit and consequently direct the respondent to return the documents to the petitioner.

For the Petitioner : Mr.P.Saravanan

For the Respondent : Mr.M.Vaidhyanathan

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ORDER

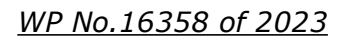
(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Saravanan, learned counsel for the petitioner and Mr.M.Vaidhyanathan, learned counsel for the respondent.

2. The petitioner seeks directions against the respondent to cancel the memorandum of title deeds in respect of the properties at No.184/3 and S.No.110/1A1 situate at Ramapurampudur Main Road, Namakkal Municipality.

3. According to the petitioner, the petitioner has repaid the entire loan account. One property of the petitioner is auctioned. The amount is realised and the petitioner has further paid amount pursuant to the orders passed by the Debts Recovery Tribunal, and also voluntarily. No amount is due and payable. As such, the respondent be directed to return the amount.

4. According to the learned counsel for the bank, as on



5. An original application is filed by the bank before the Debts Recovery Tribunal and the same is pending. The petitioner can raise all the defences like repayments made, in the pending original application. The defendant in the original application can also file counter-claim as per the rules, of course, adhering to the procedure and the provisions of counter-claim; and if the same is permissible after a particular date. It is for the petitioner to seek appropriate relief in appropriate proceedings. In a writ jurisdiction, it will not be possible to decide upon the disputed questions of fact. In case some other remedy is available to the petitioner, and the petitioner avails the same, in that event all contentions of the parties are kept open.

6. The writ petition stands disposed of with the aforesaid observation. There will be no order as to costs.

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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