



WEB COPY

W.P.No.43298 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.43298 of 2016

and

W.M.P.Nos.37135, 37136 of 2016 & 20349 of 2017

1.Farzana

2.Zulekha Reshma

3.Ameena

... Petitioners

Vs.

1.The General Manager

Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.

2.The Assistant General Manager,

Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.

3.The Chief Manager

Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.



4.The Branch Manager
Triplicane Branch,
Indian Bank,
Chennai – 600 005.

5.The General Manager / Zonal Manager
Zonal Office, Indian Bank,
No.66, Rajaji Salai 5th Floor,
Indian Bank Building,
Chennai – 01.

6.Mr.M.A.Khaleel @ SMAK.Rahman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, calling for the records of impugned proceedings of the 5th respondent in REF:ZO:CHE:NOR:LEG:418: 2016-17 dated 30.08.2016 quash the same and consequently directing the 1st respondent to hand over all the original title documents and other documents in respect of the property of vacant site bearing Plot No.77, Bose Street, Krishnamurthy Nagar, Kodungaiyur Village, Chennai - 600 118, Comprised in S.No.166/1-C and as per Patta No.683, the Present S.No.166/1C1A8, in all measuring 1800 sq.ft of vacant land with a shed in an extent of 1000 sq.ft and electricity service connection with all easementary rights, pathways, and situated within the Registration District of Chennai-North and Sub-Registration of District of Madhavaram to the petitioners (as they are owners of the above said property) which are all deposited by the 6th respondent to the 4th respondent bank as a security for grant of loan to the 6th respondent.



WEB COPY

W.P.No.43298 of



For Petitioners	: Mr.A.Ilaya Perumal
For R3	: Mrs.P.V.Rajeswari
For R1, R2, R4 & R5	: No Appearance
For R6	: Not Ready in Notice

ORDER

The writ on hand has been filed challenging the order dated 30.08.2016 passed by the respondent / Indian Bank.

2. The order impugned states that the original documents deposited by the petitioner in the Indian Bank has been handed over to the Central Bureau of Investigation (CBI), during the investigation of a criminal case and now the Criminal Appeal in C.A.No.126 of 2012 is pending before the High Court of Madras and the original documents handed over to the CBI are not returned back to the Bank and thus, the Bank is not in a position to consider the request of the writ petitioner.

3. The learned counsel appearing on behalf of the respondent / Bank verified the status of the C.A.No.126 of 2012 and as on today, the Criminal



Appeal is pending and all the original documents submitted before the Trial Court must be in the case bundle.

WEB COPY

4. The learned counsel for the petitioners raised a doubt, whether those documents were marked before the Trial Court or not. Such doubts raised at this length of time has become unnecessary and it is for the petitioners to verify, whether it was marked or otherwise. Even in such circumstances, the petitioners are at liberty to get a certified copy of their documents by submitting appropriate application before the Court in which the original documents now lying.

5. With reference to the doubt raised by the petitioner, the learned counsel appearing on behalf of the 3rd respondent / Bank contended that all the original documents were handed over to the CBI authorities at the time of investigation itself and therefore, those original documents are not with the Bank authorities.

6. The learned counsel for the respondent / Bank brought to the notice of this Court with reference to the affidavit filed by the writ petitioners in support of the writ petition, wherein, the petitioner states that “After the said



receipt of the said Statutory Contempt Notice, the 5th respondent herein has issued the proceedings dated 30.08.2016 by stating that since an appeal is pending before the High Court Madras, relating to the A/c.Yacoob Industries the documents, which are in the Trial Court, can be obtained only after the disposal of the appeal as informed by CBI and further stated that the petitioners request will be considered after disposal of the appeal filed by one of the accused against her conviction.”

7. Once the original documents were handed over by the Bank to the CBI Authorities and when a case has been registered, which is now pending in appeal before High Court, the Bank Authorities have no role to entertain any representation. Hence, all the petitioners have to file an appropriate petition before the Court concerned for return of documents by following the procedures contemplated under the Criminal Procedure Code. However, neither a writ is entertainable nor a representation to the authorities are maintainable for the purpose of return of documents when the documents are the subject matter in a criminal trial or an appeal.



8. This being the submissions made it is for the petitioners to pursue their remedy only after the disposal of the criminal appeal, which is now pending before the High Court in C.A.No.126 of 2012. If at all the petitioners requires the copies, they are at liberty to apply for certified copies.

9. With these liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The General Manager
Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.

2.The Assistant General Manager,
Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.



W.P.No.43298 of

3.The Chief Manager
Asset Recovery Management Branch-I,
Indian Bank,
Circle Office Buildings,
No.55, Ethiraj Salai,
Chennai – 600 008.

4.The Branch Manager
Triplicane Branch,
Indian Bank,
Chennai – 600 005.

5.The General Manager / Zonal Manager
Zonal Office, Indian Bank,
No.66, Rajaji Salai 5th Floor,
Indian Bank Building,
Chennai – 01.



WEB COPY

W.P.No.43298 of



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.43298 of 2016

09.03.2023