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W.P. No.20667 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.20667 of 2019

Chandralekha

... Petitioner

Vs

1. The Authorized Officer
cum Assistant General Manager,
State Bank of India,
Stressed Asset Recovery Branch,
No.377/1, Dr. Nanjappa Road,
Coimbatore – 641 018.

2. M/s.Sree Poorani Knitter and Enterprises
Private Limited,
Represented by its Managing Director,
S.F. No.102, Kasipalayam Main Road,
Vijayapuram Post,
Nallur,
Tirupur – 641 606.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the 1st respondent to consider my
representation dated 30.03.2019 within the time period fixed by this Court



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and consequently direct the 1st respondent to Release our Exchange deed dated 29.12.2004 in Document No.5852 of 2004 after cancel the registered Memorandum Relating to Deposit of Title Deeds dated 31.07.2009 in Document No.6456 of 2009 registered before the District Register Office, Tiruppur and clear from all encumbrances”

For Petitioner : Mr. S.Vinoth Kumar

For Respondents : Ms. S.R. Sumathy for R1
Mr.B. Abinayan for R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to consider the petitioner's representation dated 30.03.2019 and consequential direction to Release the Exchange deed dated 29.12.2004 in Document No.5852 of 2004 after cancelling the registered Memorandum Relating to Deposit of Title Deeds dated 31.07.2009 in Document No.6456 of 2009 registered before the District Register Office, Tiruppur and clear from all encumbrances”, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that the 2nd respondent obtained a loan from the 1st respondent bank and for the said purpose, her husband, who stood as Mortgager. That being so, it is her case that the petitioner's



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husband executed a Memorandum of Deposit of Title deed, which was registered before the District Registrar Office, Tirupur and thereby, the Exchange Deed, dated 29.12.2004 was shown as 5th document. Subsequently, due to default in repayment of the said loan, the 1st respondent initiated legal action against the 2nd respondent. Aggrieved by the said action, her husband filed S.A. No.111 of 2015 before DRT and pending appeal, her husband died leaving behind her and her two sons. Subsequently, on enquiry, it is found that the 2nd respondent paid the entire loan amount, based on a compromise settlement. In such circumstances, she approached the 1st respondent by way of her representation, dated 30.03.2019, seeking for return of title deeds. However, the same has not been considered by the 1st respondent, till date. Hence, this writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the entire loan amount have been paid by the 2nd respondent, whereas, the 1st respondent has not issued No due certificate. He drew the attention of this Court to paragraph Nos.6 and 8 of the counter affidavit filed by the 1st respondent, that property in S.F. No.553, which belongs to the petitioner remains



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unsold as well as pendency of S.A. No.115 of 2015. Subsequently, S.A. No.115 of 2015 was disposed of on 29.07.2022 by recording the fact that the issue was settled out of Court, based on the OTS proposal letter and to substantiate the same, he filed the case status report. Therefore, he submits that there is no legal impediment for release of Title deeds pertaining to the petitioner. Hence, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation, dated 30.03.2019, within a time frame to be fixed by this Court.

4. Learned counsel appearing for the 1st respondent has no objection for issuance of such a direction by this Court.

5. Heard learned counsel on either side and perused the materials available on record.

6. In view of the fair submissions of the learned counsel on either side, this Court, without going into the merits of the case, is inclined to issue a direction to the 1st respondent to consider the petitioner's representation, dated 30.03.2019 for release of Title Documents / Deeds of the petitioner and pass appropriate orders on merits and in accordance with law, if there is no legal impediment, within a period of two weeks from the date of receipt



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of a copy of this order.

WEB COPY 7. With the aforesaid directions, this writ petition is disposed of. No costs.

10.04.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

To
The Authorized Officer
cum Assistant General Manager,
State Bank of India,
Stressed Asset Recovery Branch,
No.377/1, Dr. Nanjappa Road,
Coimbatore – 641 018.



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M.DHANDAPANI, J.

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