



W.P.No.9216 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.9216 of 2021

S.Hemalatha

.. Petitioner

Vs

1.The Chief Manager,
Central Bank of India,
Mylapore Branch,
Luz Church Road,
Mylapore, Chennai – 600 004.

2.The Chief Manager,
The Authorised Officer
Indian Bank
New No.71, Old No.5A, Santhome High Road,
Chennai – 600 028.

3.S.Ramachandran,
Prop Veena Chemicals,
Vadugamangalam Village,
Vallam PO, Vandavasi Tq,
T.Malai Post.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to hand over the original title deeds Document No.815/2003 registered at SRO Mylapore dated 21.03.2003 to the petitioner and consequently direct the first respondent to issue sale certificate to the schedule mentioned property in favour of the petitioner.

For the Petitioner : Ms.S.Yogalakshmi
for Mr/K.Sukumaran

For the Respondents : Mr.F.B.Benjamin George
for respondent No.1

: No Appearance
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.S.Yogalakshmi for Mr.K.Sukumaran, learned counsel for the petitioner and Mr.F.B.Benjamin George, learned counsel for the first respondent.

2. Learned counsel for the petitioner submits that, in fact, the petitioner was earlier a tenant and now she has become an agent of the third respondent.



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3. A counter is filed by the first respondent to the effect that when the petitioner approached the first respondent bank to settle the loan availed by the third respondent from the first respondent, the matter was referred to the Lok Adalat. Two separate awards were passed i.e., (a) 10 lakh towards housing loan; and (b) 9 lakh towards cash credit, directing the third respondent to pay Rs.19 lakh. The petitioner paid only Rs.9 lakh out of Rs.10 lakh payable by the third respondent to the first respondent. The balance one lakh was not paid.

4. Learned counsel for the petitioner admits that the entire amount has not been paid by the petitioner because of the securitisation application filed by the third respondent before the Debts Recovery Tribunal.

5. Admittedly, the entire amount has not been paid. Therefore, directions cannot be given to the respondent/bank to issue a sale certificate in favour of the petitioner. The petitioner may take steps as may be permissible under law.



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The writ petition stands disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

04.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

(sasi)

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