



W.P.No.26528 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM :

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

AND

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

W.P.No.26528 of 2022

E.Arasu

.. Petitioner

Vs.

1. The Authorised Officer
M/s.Cholamandalam Investment and
Finance Company Limited
Dare House, 2, N.S.C.Bose Road
Parrys, Chennai.
2. The Regional Manager
M/s. Cholamandalam Investment and
Finance Company Limited
1st Floor, No.42, Vallal Pachaiyappan Street
Near by Mettu Street
Kanchipuram, Kanchipuram District.
3. The Branch Manager
M/s. Cholamandalam Investment and
Finance Company Limited
2nd Floor, New No.6, Old No.24
Officer's Line, (Opposite to Voorhees School)
Vellore, Vellore District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the third respondent to dispose of the petitioner's representation dated 29.08.2022 to handover the original property documents relating to the loan A/c.No.XOXHLVLE000002160587 within stipulated period.

For the Petitioner : Mr.M.Sathish Kumar

For the Respondents : Ms.V.V.Uthra

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.M.Sathish Kumar, learned counsel for the petitioner and Ms.V.V.Uthra, learned counsel for the respondents.

2. It is submitted that the petitioner has closed the loan account, however, the Bank has not returned the documents. The Bank relied upon clause 8(k) of the Home Loan Agreement, which states that "*the Company shall have a continuing charge on the schedule mentioned asset, in the event of borrower having any obligation under any other agreements entered with the Company*". There are other loan accounts, which are due and payable by the petitioner.



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3. In the light of the said clause, the relief, as claimed by the petitioner, cannot be granted. If the petitioner wants to settle the matter, it is for the petitioner to approach the Bank and it is for the Bank to consider the said request, as may be permissible under law.

4. The writ petition, as such, stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.25593 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

23.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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