



W.P.No.32638 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.32638 of 2019

T.K.Sivasamy

... Petitioner

Vs.

1.The Regional Manager,
State Bank of India,
Region IV Kurinji Complex,
State Bank Road,
Post Box No.3897,
Coimbatore – 641 018.

2.The Chief Manager,
State Bank of India,
Cheyur Branch,
Avinashi Taluk,
Tiruppur District.

3.M/s.Thirumala Knit Fashion,
Rep. by its Proprietor,
Mr.Duraiwamy,
No.13 A Site No.28, Kallampalayam,
Tiruppur – 641 601,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to



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release the petitioner original documents bearing Nos.1776 of 2000, 1673 of 1998 on the file of Sub Registrar Office, Avinashi within time bound manner.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.K.Chandrasekaran [R1 & R2]
M/s.M.Manohar [R3]

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to release the petitioner original documents bearing Nos.1776 of 2000, 1673 of 1998 on the file of Sub Registrar Office, Avinashi within time bound manner.

2. The case of the petitioner is that, he purchased the subject property vide registered sale deed dated 15.05.2000 and since then, he was in possession and enjoyment of the same. While so, the third respondent being the close relative of the petitioner sought to raise cash credit facilities, for which, the above property of the petitioner was given as guarantee by depositing petitioner's original title documents. Due to the fact that the third respondent failed to discharge outstanding due amount,



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the third respondent was declared as Non Performing Asset Account (NPA) and debt recovery proceedings were initiated, which is still pending. By virtue of the circular issued by the first respondent, under the caption 'Rinn Samadhaan Scheme', calling upon the defaulters to settle the outstanding amount on one-time payment, the third respondent availed the said benefits to close the loan accounts, whereby, no due certificate was issued. However, inspite of issuance of no due certificate, the original certificates were not returned, which is causing great hardship to the petitioner. Once the loan amount is received by the bank in its entirety, the second respondent is bound to return the documents back to the petitioner. This inaction of the respondents 1 and 2 to return the documents of the petitioner inspite of payment of the amount has necessitated the petitioner to file the above writ petition before this Court.

3. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents 1 and 2 to release the petitioner's original documents, within a time frame that may be fixed by this Court.



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4. The learned counsel appearing for the respondents 1 and 2 placing reliance on the counter affidavit, submits that, for the very same property, debt recovery proceedings is pending in D.R.C.No.24 of 2013 and O.A.No.33 of 2010 on the file of DRT, Coimbatore. He also submits that unless the issue is decided by the concerned DRT, the documents of the petitioner cannot be released. Hence, he prays for dismissal of the writ petition.

5. In view of the aforesaid submissions, the Writ Petition is disposed of granting liberty to the petitioner to workout the remedy in the manner known to law. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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