



WP No.167 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.167 of 2017

Mrs.E.Vasanthamani

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Petitioner

vs.

1.The Chief Manager,
City Union Bank Ltd.,
Administrative Office,
24B, Gandhi Nagar,
Kumbakonam-612 001.

2.Reliance Asset Reconstruction Co. Ltd.,
Corporate Office,
Reliance Centre,
6th Floor, North Wing,
Off. Western Express Highway,
Santacruz (East),
Mumbai-400 055.

(R-2 impleaded vide order of Court dated
21.08.2018 made in WMP No.24029 of 2017
in WP 167 of 2017)

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Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to grant no due certificate and return the petitioner's registered Memorandum of Deposit of Title Deed dated 14.12.2009 deposited by the petitioner for the account in OLCC No.119427 as per the representation of the petitioner dated 09.12.2016.

For Petitioner : Mr.S.Lakshmanasamy

For Respondent-1 : Mr.R.S.Varadarajan

For Respondent-2 : Mr.Adaikala Arockia Raj

ORDER

The relief sought for in the present writ petition is to direct the first respondent to grant no due certificate and return the petitioner's registered Memorandum of Deposit of Title Deed dated 14.12.2009 deposited by the petitioner for the account in OLCC No.119427 as per the representation of the petitioner dated 09.12.2016.

2. It is brought to the notice of this Court that the petitioner died and steps are taken to implead the legal heirs of the petitioner. However, the learned counsel appearing on behalf of the respondents 1 and



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2 have brought to the notice of this Court that the deceased petitioner was a Guarantor and Mortgagor and the loan dues are yet to be settled.

3. That being the factum, the relief as such sought for in the present writ petition, is not entertainable and the legal heirs of the writ petitioner are at liberty to approach the bank either for the settlement of the loan dues or for the appropriate relief, as the case may. The legal heirs of the deceased writ petitioner are at liberty to approach the Bank Authorities for redressal of their grievances, if any.

4. With the abovesaid liberty, the writ petition stands closed.
However, there shall be no order as to costs.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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WEB COPY To

The Chief Manager,
City Union Bank Ltd.,
Administrative Office,
24B, Gandhi Nagar,
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