



WEB COPY



W.P.No.7472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

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

W.P.No.7472 of 2023

1.C.Balaji

2.P.Chinnappan

... Petitioners

Vs.

1.The Branch Manager,
Indian Bank,
Sathuvachery Branch,
Vellore.

2.Reliance ARC-IB Chennai Trust,
Reliance Circle, 6th Floor, North Wing,
Prabhat Colony, Santacruz (East),
Mumbai – 400 055.

3.The Chairman and Managing Director,
Indian Bank,
Corporate Office,
P.B.No.5555, 254-260,
Avvai Shanmugam Salai,
Royapettah, Chennai – 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to return the original sale deed dated 05.07.1989 vide Doc.No.716/1989 deposited



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creating equitable mortgage with the 1st respondent to the petitioners and award damages of Rs.1,00,000/- (Rupees One Lakh only).

For Petitioners : Mr.P.Rajavelu

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the respondents to return the original sale deed dated 05.07.1989 vide Doc.No.716/1989 deposited creating equitable mortgage with the first respondent to the petitioners and award damages of Rs.1,00,000/- (Rupees One Lakh only).

2.In view of the order being passed, this Court is of the view that the respondents needs no notice and notice to the respondents is dispensed with.

3.The case of the petitioners is that the first petitioner is the son and the second petitioner is the father of first petitioner. The first petitioner borrowed an educational loan for his education from the first respondent in the year 2001, for which, the second petitioner mortgaged his property. Thereafter, they have settled the entire loan amount in the year 2017 and



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received No Due Certificate. In order to release the original documents from the respondents, the second petitioner has sent a letter dated 23.02.2017 to the first respondent for return of the original documents. As the said letter made by the second petitioner has evoked no response from the first respondent, the petitioners have filed the present writ petition seeking for appropriate directions.

4.Though very many grounds have been raised in the present writ petition, it would suffice if this Court issues a direction to the respondents to consider the second petitioner's letter dated 23.02.2017 and pass appropriate orders within the time frame that may be fixed by this Court.

5.Considering the facts and circumstances of the case, this Court without going into the merits of the case, direct the petitioners to send a copy of the letter dated 23.02.2017 along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said letter made by the second petitioner and pass appropriate orders within a period of four weeks thereafter.



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M.DHANDAPANI, J.

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6.With the above directions, the Writ Petition is disposed of. No costs.

Index : Yes / No
Speaking order / Nonspeaking order
Netrual Citation Case : Yes / No
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(2/2)

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