



W.P.No.27815 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 08.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27815 of 2017

S.Manoharan
Sole Proprietor of M/s.Murugan Idli Shop,
No.4A Jamals Vani Mahal,
Lady Madhavan Street,
Mahalingapuram,
Chennai – 600 034.

...Petitioner

Vs.

1.The IDBI Bank Ltd., IDBI Tower,
WTC Complex,
Cuffee Parade, Colaba,
Mumbai – 400 005.
Rep.by its Executive Director

2.IDBI Bank Ltd., T.Nagar Branch,
'Devi Arihant' New No.24/2, Old No.16,
Dr.Nair Road, T.Nagar, Chennai – 600 017.
Represented by its The Branch Manager.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the communication passed by the 2nd respondent Bank dated 28.09.2017, quash the same and consequently, direct the respondent Bank to return the title deeds of the petitioner.



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For Petitioner : Mr.Niranjan Rajagopalan
For M/s.G.R.Associates
For R1 & R2 : Mr.P.Elaya Rajkumar
For M/s.Ramalingam and Associates

ORDER

The communication issued by the 2nd respondent / IDBI Bank dated 28.09.2017 is sought to be quashed in the present writ petition.

2. The impugned communication reveals that the dispute regarding the waiver of foreclosure charges were pending before the High Court in a writ proceeding during the relevant point of time and therefore, the 2nd respondent / IDBI Bank expressed his inability to consider the request of the petitioner to return the original documents deposited by the petitioner, while borrowing the loan.

3. The learned counsel for the writ petitioner made a submission that the conduct of the respondent/Bank in not returning his original documents, despite the consent given by the petitioner to recover the foreclosure charges is arbitrary.



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4. That apart, it is brought to the notice of this Court by the learned counsel appearing on behalf of the respondents/Bank that pursuant to the interim order passed by this Court, all the original documents were already returned back to the petitioner and thus, the writ petition became infructuous.

5. May that as it be. Admittedly, the documents were returned back to the petitioner, which was acknowledged by the petitioner. That being the case, no further adjudication needs to be undertaken in respect of the grounds raised in the present writ petition.

6. The pertinent question raised by the petitioner is that the entire loan dues were cleared by the taken over Bank. While so, the respondent / IDBI Bank has no authority to keep the original documents with them merely on the ground that writ proceedings were pending before the High Court.

7. The learned counsel for the petitioner reiterated that the conduct of the respondents/Bank in this regard is not only arbitrary, it would affect the very genuinity of the Banking transactions. Regarding the misconduct or



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otherwise on the part of the Bank, the petitioner is at liberty to approach the appropriate authority or Forum for the purpose of redressing his grievances or to ensure that the Banks Act in accordance with the provisions of the Statutes and Rules and within their limits.

8. It is needless to state that once, the loan dues are cleared by the borrower, the Banks are not expected to keep the original documents with them and it is to be released without any condition.

9. However, in the present case, the order impugned says that the writ petition was subjudiced and therefore, they will not release the documents. Having received the entire loan amount, the stand taken in this regard seems to be improper.

10. With these observations, the writ petition stands disposed of. No costs.

08.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

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1. The Executive Director,
The IDBI Bank Ltd., IDBI Tower,
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Mumbai – 400 005.
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S.M.SUBRAMANIAM, J.

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