



W.P.(MD)No.6472 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6472 of 2021

B.Karpagam

.. Petitioner

Versus

1.The Regional Manager,
Central Bank of India,
Raja Muthaiah Mandram,
Madurai.

2.The Branch Manager,
Central Bank of India, Amman Sannathi Branch,
Madurai – 1.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to return and handover the original documents submitted by the petitioner as per Housing Loan sanction order of the respondents on 20.10.2014 by considering the petitioner's representation, dated on 08.10.2018, to the second respondent, within the time frame fixed by this Court.

For Petitioner : Mr.P.Pranthaman

For Respondents : Mr.P.Madhan Alexandar
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to return the original documents that were



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submitted by the petitioner at the time of sanctioning the housing loan in favour of the petitioner in the year 2014.

2. The specific case of the petitioner is that the original documents were handed over to the respondent Bank at the time of sanction of the housing loan. Subsequently, the loan was not availed by the petitioner. The petitioner therefore sought for return of the original documents. Since the same was not acted upon, the present Writ Petition was filed before this Court.

3. The specific case of the respondent Bank is that the title documents were never handed over to the respondent Bank. Therefore, there is no occasion for the respondent Bank to hand over the original documents to the petitioner. The learned counsel for the respondent Bank made it clear that even though the housing loan was sanctioned, the petitioner did not avail the housing loan.

4. In the considered view of this Court, the facts remains that the original title documents are now missing. It is very difficult for this Court to render a finding on the conflicting stand that has been taken by both the parties. Therefore, there shall be a direction to the respondent Bank to issue a letter to the petitioner stating that they are not in possession of the original title



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documents belonging to the petitioner. This letter shall be issued by the respondent Bank within a period of two weeks from the date of receipt of a copy of this order. On receipt of this letter, it is left open to the petitioner to give a complaint before the concerned jurisdictional Police seeking for non-traceable certificate. The concerned jurisdictional Police, on receipt of the complaint, shall issue the non-traceable certificate to the petitioner in line with the Circular Memorandum of the Director General of Police in Rc.No. 2029209/General.1(1)/2022, dated 01.04.2022, within a period of four weeks from the date of receipt of the complaint.

5. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
smn2

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To

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Madurai.

2.The Branch Manager,
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N.ANAND VENKATESH, J.

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