



W.P.(MD)No.8673 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8673 of 2021

V.Mohan

... Petitioner

vs.

1.The ICICI Bank Limited,
Rep by its Authorised Signatory/Branch Manager,
Thillai Nagar Branch, Tiruchirapalli District.

2.The ICICI Banking Limited,
Rep by its Auithorised Signatory/Branch Manager,
Karur Branch, Old Bye Pass Road, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to return the Original Tile Deeds deposited by petitioner as security under loan account No.LBKRR 00000350055 and LBKRR 00000549733 and to pay a compensation of Rs.10,00,000/- for the mental agony caused by him due to inaction on the part of the respondents herein in the light of the order passed in Consumer Complaint in C.C.No.16/2012 on the file of the Consumer Disputes Redressal Forum, Karur, within the time frame as fixed by this Court.



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For Petitioner :Mr.V.B.Sundhareshwar
For Respondents :Mr.J.Alaguram Jothi

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondent bank to return back the original title deed to the petitioner.

2.When the matter was taken up for hearing, the learned Counsel for the respondent bank submitted that the original title documents that were given by the petitioner has been misplaced. The respondents have offered to cooperate with the petitioner to get a non traceable certificate from the concerned police. In fact, the respondent bank had also received a non traceable certificate from the concerned police on 21.11.2019 and the same was also placed before this Court.

3.In view of the same, the petitioner can always make use of the same and deal with the property by utilising the certified copy of the documents, that were registered before the concerned Sub Registration



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Office. The non availability of the original title deeds is sufficiently taken care by the non traceable certificate, that has been issued by the police based on the complaint given by the respondent bank.

4.It is seen from the records that the petitioner had already filed a consumer complaint before the Consumer Disputes Redressal Forum, Karur, in this regard and the District Forum had passed an order dated 11.09.2014 in the following terms:

“8.In the result, the opposite parties 1 and 2 are directed to return the original title deeds deposited by the complainant with the first opposite party as detailed in the complaint and to pay Rs.20,000/- (Rupees twenty thousand only) towards compensation for the deficiency committed by the opposite and to pay Rs.1000/- (Rupees one thousand only) towards costs of this complaint to the complainant within 60 days from the date of this order.”

5.In spite of the above order, the petitioner has alleged that neither the original documents were returned back nor compensation has been paid.



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6.Insofar as the original document is concerned, already a non traceable certificate has been issued and this Court has held that the petitioner can make use of the same and deal with the property with the certified copy of the documents.

7.Insofar as the payment of compensation is concerned, the respondent bank was directed to pay compensation of Rs.20,000/- and also directed to pay Rs.1,000/- towards costs. This amount was directed to be paid within a period of sixty days. Since this amount was not paid, Execution Petition was also filed by the petitioner before the concerned Court.

8.The learned Counsel for the respondent bank submitted that the respondent bank had offered to pay a sum of Rs.21,000/- to the petitioner and the petitioner did not receive the same.

9.Per contra, the learned Counsel for the petitioner submitted that this order was passed in the year 2013 and the offer was made in the year 2019 and therefore, the petitioner did not receive the amount.



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10. In the considered view of this Court, the respondent bank was directed to pay the compensation of Rs.20,000/- and the cost of Rs.1,000/-. This payment should have been made within a period of sixty days. Since this amount has not been paid within sixty days, the respondent bank has to pay the compensation with interest.

11. In view of the same, there shall be a direction to the respondent bank to pay compensation of a sum of Rs.20,000/- with interest at the rate of 6% from the year 2014 till the date of actual payment of the amount. That apart, the cost of Rs.1,000/- shall also be paid to the petitioner. This amount shall be paid to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

12. The Writ Petition is disposed of in the above terms. No costs.

Index : Yes / No
Internet : Yes
NCC : Yes/No
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