



W.P.(MD)No.12791 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12791 of 2021

M.Srinivasan

... Petitioner

vs.

1.The Field General Manger (FGM),
Zonal Office, Central Bank of India,
48/49, Montieth Road, Egmore, Chennai - 600 008.

2.The General Manager,
Regional Office, Central Bank of India,
Raja Muthiah Mandram, K.K.Nagar, Madurai - 625 020.

3.The Assistant General Manager,
Central Bank of India, Madurai Main Branch,
15, Meenakshi Kovil Street, Madurai - 625 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to return the original title deeds viz., (i) the Sale Deed dated 25.06.1972 stands in favour of Mani Konar S/o Sangaiah Konar registered as Document No.1058/1972 in Pudhumandabam Sub Registrars office and (ii) the Document No.29/1944 registered in the office of the 4th Joint Sub Registrar, Madurai, in favour of Rukmani Ammal and others, which have been deposited by the petitioner along with his brother and deceased



W.P.(MD)No.12791 of 2021

mother, while obtaining mortgage loan on 23.04.2004, to the petitioner.

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For Petitioner :Mr.S.Ramsundar Vijayaraj

For Respondents :Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the third respondent bank to return back all the original title deeds, which was given as security while availing the mortgage loan on 23.04.2004.

2.When the matter came up for hearing on 28.07.2021, this Court has passed the following order:

“On hearing both the sides, it is clear that the loan has been settled long back and the documents that were given a security has been lost by the respondent bank. It is the duty of the respondent bank to take all steps like issuing a indemnity bond and giving paper publication to ensure that the settlement of the loan and the redemption of mortgage is properly recorded. Atleast, thereafter, the petitioner can deal with the property with the certified copy of the title documents.

2.The learned counsel appearing on behalf of the respondents fairly submitted that he will instruct the respondent bank to do the needful and report compliance before this Court. The petitioner shall also co-operate with the bank to complete the process.

3.In view of the above, Post this case under the caption 'For reporting Compliance' on 08.09.2021.”



W.P.(MD)No.12791 of 2021

3. When the matter was taken up for hearing, the learned Counsel appearing on behalf of the respondent bank submitted that the certified copy of the title deeds, indemnity bond, copy of the CSR and other documents will be handed over to the petitioner today.

4. The submission of the learned Counsel for the respondent Bank is recorded and it is made clear that all the documents shall be handed over to the petitioner today.

5. The learned Counsel for the petitioner brought to the notice of this Court a circular of Reserve Bank of India dated 13.09.2023, wherein, it has been made clear that on repayment of the loan amount, the document given as security will be handed over within a period of thirty days and in the absence of the same, compensation must be paid to the borrower.

6. If the petitioner is aggrieved by the conduct of the respondent Bank, it is left open to the petitioner to independently initiate proceedings seeking for compensation against the respondent Bank.



W.P.(MD)No.12791 of 2021

Except giving this liberty, no further orders can be passed in this Writ
Petition.

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

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

08.11.2023

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W.P.(MD)No.12791 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.12791 of 2021

08.11.2023