



W.P. (MD).No.17180 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.17180 of 2021
and WMP(MD)No.14068 of 2021

M/s Uma Traders
Rep.by its Proprietor K.Nagarajan

... Petitioner

Vs

1. The Regional Manager,
Indian Overseas Bank, Karaikudi Region,
Karaikudi, Sivagangai District.
2. The Branch Manager,
Indian Overseas Bank,
Karaikudi Main Branch, Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to cancel the petitioner's loan account number 003402000005382, which has been settled entirely on 30-12-2020 pursuant to the No Due Certificate, dated 30-12-2020 and furnish Loan Cancellation Certificate and return the original documents of the mortgaged property.



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For Petitioner : Mr. S.Bharathy Kannan

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus, directing the respondent Bank to hand over the original title deed given as a security for the loan, that was availed by the petitioner.

2.When the matter was taken up for hearing, the learned Standing Counsel for the respondents submitted that loan amount has already been settled and the No-due Certificate has also been issued. For that loan, the father of the petitioner had stood as a Security. Unfortunately, he died on 04.07.2014. In view of the same, the respondent Bank was insisting for getting a letter from the other legal heirs to hand over the document to the petitioner. No such letter was given by the petitioner and hence the respondent Bank was withholding the document. The learned Standing Counsel for the respondents further submitted that the respondent Bank will comply with any direction issued by this Court.

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3.Taking into consideration of the facts and circumstances of the case, there shall be a direction to the respondent Bank to hand over the original title documents to the petitioner, after getting indemnity bond from the petitioner to the effect that if any claim is made by other legal representatives, the Bank will not be made liable for the same and it is for the petitioner to deal with the same in accordance with law.

4.This writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.17180 of 2021
and WMP(MD)No.14068 of 2021**

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