



W.P(MD)No.17810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17810 of 2022

Nagaru Pillai

... Petitioner

Vs.

1.The Manager,
State Bank of India,
Thirupathisaram Branch,
Nagercoil,
Kanyakumari District.

2.The Regional Manager,
Regional Business Office,
State Bank of India,
Sreepuram,
Tirunelveli District.

3.The Sub Registrar,
Vadasery.

... Respondents

*(R-3 is impleaded as third respondent vide Court order,
dated 31.01.2023, in W.P(MD)No.17810 of 2022)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent to fulfil the petitioner's representation dated 03.12.2021 and to compensate the petitioner with a reasonable amount of Rs.10,00,000/- for the unwarranted mental agony and sufferings that he had to undergo for the past 17 months,



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thereby upholding equity in this case and safeguarding the rights of the petitioner and it is humbly requested that the Court may pass such other orders as this Court.

For Petitioner : Mr.G.Anto Prince

For R-1 : Mr.V.P.Rajan

For R-2 : Mr.S.Sukumar
Standing Counsel

ORDER

Heard the learned Counsel for the writ petitioner and the learned Standing Counsel for the respondent Bank.

2. The petitioner is a Senior Citizen. He availed loan from the State Bank of Travancore on 07.02.2017. The petitioner deposited the original title deed in respect of the petition mentioned property. The transaction was also duly registered as document No.460 of 2017 on the file of the Sub Registrar Office, Vadasery. The petitioner cleared the entire mortgage loan. The petitioner wanted the document back. In the meanwhile, State Bank of Travancore merged with State Bank of India. Unfortunately, the document submitted by the petitioner got mis-placed. The petitioner had been knocking the doors of the



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respondent ever since. Since the effort of the petitioner to get back the document turned out to be in vain, the present writ petition came to be filed.

3. The learned Counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to grant relief as prayed for.

4. The learned Standing Counsel submitted that the petitioner had transaction only with State Bank of Travancore and on account of merger with State Bank of India, the present problem has arisen.

5. I cannot endorse the said stand of the respondents. However, to deal with such situations arising out of loss of original title documents, para 8.12.1.2(r) of BCSBI code can very well be invoked. It reads as follows:

“In the event of our losing the securities / documents / title deeds you have provided to us when you availed a loan, we will compensate you for the loss. We will issue a certificate indicating the securities / documents / title deeds lost and extend all assistance to you for obtaining duplicate documents, etc. at our costs.”



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6. The first respondent is directed to comply with the aforesaid mandate immediately and without delay. The Sub Registrar, Vadasery is directed to make an entry with regard to the loss of the title deed in respect of the property comprised in R.S.No.178/4A2, Vadasery Village, that is subject matter of document No.460 of 2017 of Book 1. Registry is directed to mark a copy of this order to the Sub Registrar, Vadasery. The said authority will also register the order now passed in this writ petition. It is declared that the original sale deed, dated 06.11.1992 executed in favour of the petitioner, Nagar Pillai and registered as document No.1420/1992 and the original rectification deed dated 15.06.1993 registered as document No.680/1993 on the file of the SRO, Vadasery and to deposited by the petitioner with the State Bank of Travancore (Now merged with State Bank of India) has gone missing. The first respondent is directed to issue a certificate indicating that the said title document has been lost. The Sub Registrar, Vadasery is directed to issue a fresh certified copy of the sale deed dated 06.11.1992 and rectification deed dated 15.06.1993 with specific endorsement that it is been issued pursuant to the order passed by this Court. The said document to be issued to the petitioner shall be treated as original document.



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7. Since the writ petition is allowed on these terms, the respondents shall pay a sum of Rs.50,000/- towards as compensation cost to the writ petitioner forthwith and without any delay. The Sub Registrar, Vadasery is *suo motu* impleaded as the third respondent. There shall be no order as to costs.

31.01.2023

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

To

1.The Manager,
State Bank of India,
Thirupathisaram Branch,
Nagercoil,
Kanyakumari District.

2.The Regional Manager,
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State Bank of India,
Sreepuram,
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3.The Sub Registrar,
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G.R.SWAMINATHAN, J.

Btr

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