



W.P(MD)No.16548 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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1.Arokiya Raj
2.A.Jeni Mathan

... Petitioners

Vs.

- 1.The Chief Manager,
State Bank of India,
Tiruchirapalli Town Branch,
Shree Complex,
18/21, Madurai Road,
Tiruchirapalli – 620008.
- 2.The Assistant General Manager,
State Bank of India,
Tiruchirapalli Town Branch,
Shree Complex,
18/21, Madurai Road,
Tiruchirapalli – 620008.
- 3.The Branch Manager,
State Bank of India,
Tiruchirapalli Town Branch,
Shree Complex,
18/21, Madurai Road,
Tiruchirapalli 620008.



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4.The AGM & The Chief Manager,
Stressed Assets Recovery Branch(SARB),
Madurai – 625020

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 & 4 to obey the direction given by the second respondent vide his letter dated 23.11.2022 and clear the petitioners MOD in loan account No.67214105482 and to return all original documents to the petitioners in the MOD list within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.I.Velpradeep
For R-4 : Mr.N.Dilipkumar

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel for the petitioner and the learned counsel for the fourth respondent.

2. When the matter had come up on 29.11.2023, we had adjourned the matter to today as none appeared for the petitioner on that day.



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3. On the last hearing, we have observed as under:

“2. The learned counsel for the respondent bank submits that the petitioners have cancelled the MOD on 06.10.2023 and discharge certificate has also been issued and as such, the prayer has become infructuous.

3. The learned counsel for the respondent bank further submits that undertaking affidavit was filed by the petitioners and a copy of it was also given to the bank stating that the petitioners would not demand for delivery of the original title deeds from the bank in any manner at any point of time and they are well aware that the original titled deeds are in the custody of the Additional District Court for CBI Cases, Madurai.”

4. In view of the above, as the MOD is cancelled and discharge certificate is also issued by the bank on 06.10.2023 so also the petitioners have given an undertaking affidavit on 02.09.2023, nothing would survive in this writ petition.



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5. The writ petition is accordingly disposed of. No Costs.

[S.V.G., C.J.]

[L.V.G., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

PM

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