



W.P(MD)No.21907 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21907 of 2015

T.Rajendran

... Petitioner

Vs.

1.The Deputy General Manager,
Reserve Bank of India,
Rural Planning Credit Department,
Fort Glasics, Rajaji Salai,
Chennai-600 001.

2.The Chief General Manager,
Office of the Banking Ombudsman,
Reserve Bank of India Building,
II Floor No.16, Rajaji Salai,
Chennai-600 001.

3.The Chief Manager,
State Bank of Travancore,
Valliyoor Branch,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent Bank to classify the loan accounts of the petitioner as "Non Performing Asset" (NPA) as on 31.12.2007 and consequently, extend the benefit of the Agricultural Debt Waiver and Debt Relief Scheme, 2008 to the petitioner.



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For Petitioner : Mr.M.Benazir Begum

For Respondents : Mr.C.Karthik for R3
: no appearance for R1 & R2

ORDER

Heard the learned counsel on either side.

2. The petitioner is an agriculturist. He availed loan from the State Bank of Travancore. He committed default. The State Bank of Travancore filed O.S.No.64 of 2011 on the file of the Sub Court, Valiyoor. Subsequently, three developments took place:-

(a) The suit was dismissed for default.

(b) The State Bank of Travancore got merged with the State Bank of India.

(c) The petitioner cleared the entire loan liability.

Since the petitioner had cleared the entire loan liability, he is entitled to get the original document deposited by him back. The document appears to have been filed in the suit. Therefore, it is for the third respondent (now State Bank of India) to move the jurisdictional civil court and get the documents back.

3. As and when any application is filed before the Sub Court, Valliyoor, the same shall be allowed and the documents shall be returned to the applicant.



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The third respondent shall hand over all the original documents to the petitioner herein. The entire exercise of returning the documents to the petitioner shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

***NOTE: Registry to mark a copy of this
order to the learned Sub Judge, Valliyoor.***



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G.R.SWAMINATHAN, J.

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