



W.P.No.10571 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10571 of 2016

A.N.Ramesh Babu

... Petitioner

-Vs-

1.The General Manager,
HRD Department,
Lakshmi Vilas Bank Limited,
No.4/1, Sardar Patel Road,
Guindy,
Chennai-600 032.

2.The Assistant General Manager,
Lakshmi Vilas Bank,
Coimbatore Main Branch,
Oppanakara Street, Coimbatore-641 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 01.02.2016 seeking to release the title deeds of the flat situated at Door No.405, Dhurvatarra apartment, 241, Dr.Radhakrishnan Road, Tatabad, Coimbatore already bought by the petitioner availing the Housing Loan sanctioned by the respondents' Bank in the light of the settlement of the loan amount along with interest.

For Petitioner : Mr.R.Ramachandran



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For Respondents : Mr.G.Anadhakrishnan
for M/s.Agam Legal

ORDER

This Writ Petition has been filed for a direction directing the first respondent to consider the representation submitted by the petitioner dated 01.02.2016 seeking to release the title deeds.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined in the respondents Bank in the year 1989. While being so, he had applied for loan to purchase a Flat. He was sanctioned the principal loan amount of Rs.5,00,000/- on condition to repay the principal of Rs.3,334/- for a period of 150 monthly installments and the interest of Rs.2,724/- for a period of 100 monthly installments. Though the petitioner settled the entire loan amount, the document, which was mortgaged while availing the loan, has not been returned so far. In order to maintain the writ petition, the petitioner also produced the judgment of this Court.

4. The learned counsel appearing for the respondents would



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submit that the writ petition is not maintainable. The writ petition has been filed by private parties. According to the respondents, the petitioner is due to pay an amount to the tune of Rs.7.58 Crore with regard to causing financial loss to the bank and also income leakage to the tune of Rs.63.47 Lakh, which are liable to be recovered from the petitioner. In view of the above, the said misconduct, the petitioner was terminated from service.

5. Now the only point for consideration is about the return of the documents which was deposited while availing the housing loan. The petitioner had settled the entire loan amount availed by him. However due to tendency of disciplinary proceedings, he was removed from service. According to the respondents, on the allegations of financial loss to the respondents bank to the tune of Rs.7.58 Crore and also income leakage to the tune of Rs.63.47 lakh those amounts are liable to be recovered from the petitioner. The housing loan which was sanctioned in favour of the petitioner and the amount to be recovered from the petitioner are completely different issue from one another. Admittedly, the petitioner had paid the entire loan amount which was



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availed by him by depositing the title deeds.

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6. In view of the above, the respondents are directed to return the original documents, which was deposited while availing the loan to purchase the flat situated at Door No.405, Dhurvatar Apartment, 241, Dr.Radha Krishnan Road, Tata Bad, Coimbatore, forthwith. For recovery of the other amounts due, the respondents are at liberty to proceed with the petitioner in the manner known to law.

7. With the above direction, this Writ Petition stands disposed of. No costs.

12.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To



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