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W.P.No.674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.674 of 2024
and
W.M.P.No.701 of 2024

Sri Ponnaiyah Ramajayathammal
Educational and Charitable Trust,
Rep. Herein by its Managing Trustee
Mr.Jeevanraj Veera Subramaniam,
Administrative Office,
New No.351, Avvai Shanmugam Salai,
(Formerly Lloyds Road),
Gopalapuram, Chennai – 600 086.

.. Petitioner

VS

1.The Assistant General Manager
Indian Bank, SAM Large Bank,
Indian Bank Zonal Office,
No.28, Ethiraj Salai, Egmore,
Chennai – 600 008.

2.Indian Bank
Rep. By its Branch Manager,
Eswari Nagar Branch,
Thanjavur.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents
herein to return the original title deeds of the immovable properties
owned by the petitioner which were deposited with the 2nd
respondent by and under the Memorandum of Deposit of Title Deeds
dated 26.07.2013, registered as Document no.2459 of 2013, before



W.P.No.674 of 2024

the Sub-Registrar of Vallam and the Supplemental Agreement relating to the deposit of title deeds dated 23.04.2014, registered as Document No.1146 of 2014 before the Sub-Registrar of Vallam, within a time frame to be fixed by this Court.

For Petitioner : Mr.N.Ramakrishnan
for M/s. ARK Law Associates

For Respondents : Mr.P.Muralidharan

ORDER

The petitioner has sought a mandamus directing the respondents to return the original title deeds of the immovable properties owned by the petitioner, which was deposited before the Indian Bank, Eswari Nagar Branch/ R2 by Memorandum of Deposit of Title Deeds dated 26.07.2013 and 23.04.2014.

2. The petitioner claims to be a public charitable trust that was established by an individual Mr.P.Murugesan by deed of trust dated 18.08.1989. The trust had availed financial facilities by way of term loan and over draft facilities, for which original title deeds of various immovable properties had been deposited with the Indian Bank / R2.

3. Admittedly, the loan accounts of the Trust had been declared as Non Performing Asset (NPA) and had been transferred to the file of SAM Large Bank, Indian Bank Zonal Office / R1.



W.P.No.674 of 2024

Proceedings have been initiated by the Debts Recovery Tribunal for recovery of an amount of a sum of Rs.24.91 crores (approx).

4. Mr.P.Murugesan, had passed away on 19.03.2021. The petitioner states that the other trustees had thereafter settled the outstandings and R1 has issued a No Due Certificate on 08.04.2021 that the dues have been duly repaid. Based on the closure of the loan accounts, O.A.No.406 of 2019 filed before the Debts Recovery Tribunal, Chennai – 1 had also been withdrawn.

5. The petitioner now seeks return of the original title deeds of the documents which had been deposited by R2 on various dates. There have been various changes to the constitution of the Trust in the interim and the present Managing Trustee has sought return of the documents on various dates, which were not accepted by the Bank on the ground that its records did not reflect the changes in trusteeship.

6. The petitioner claims that the present constitution of the Trust has been produced before Bank, despite which, there is no action taken. Aggrieved by inaction of the Bank to return the original title deeds, the present writ petition has been filed.

7. The submission of Mr.N.Ramakrishnan, who appears for the petitioner trust is that there is no legal justification in the Bank continuing to hold the original title deeds despite the settlement of



W.P.No.674 of 2024

the financial facilities as early as 2021. The changes in Management have been duly produced before the respondents, despite which, they have remained inactive.

8. Mr.P.Muralidharan, who appears on behalf of the Bank has filed a counter. The bank accedes, in that counter, to the settlement of the dues and withdrawal of O.A.No.406 of 2019 as settled out of Court. Learned counsel further submits that loans have been obtained by the then trustees in the name of the petitioner trust [M/s.Sri Ponnaiah Ramajayathammal Educational & Charitable Trust (SPRECT)].

9. Those persons as above are stated to be trustees in another trust by name [M/s. Ponnaiah Ramajayam Institute of Science and Technology Trust (PRIST Trust)] and the trustees stand as guarantors to loans that have been availed by the trust. The present outstanding due in the name of PRIST Trust is in excess of Rs.650 crores. The counter also states that the trustees stand as guarantee to the loans availed in the name of M/s. SPRECT, which is also a significant defaulter.

10. The Bank, states that the erstwhile Managing Trustee, one Mr.Nageswaran, had availed a mortgage loan to the tune of Rs.34 crores, for which also, the trustees had stood guarantee. That loan amount has been classified as a NPA and the present outstanding on



W.P.No.674 of 2024

that account is Rs.39.30 crores. It is on account of the above factors that the bank has sought the clear sequences in regard to the change in trustees over time, and no objection certificates from them.

11. In the circumstances as above, this Court is not inclined to issue mandamus as sought for and the request for the same is thus rejected. It is for the Bank to ensure that it obtains all requisite documents including the trust deeds and not objection certificates as well as any other documents as may be required as per the extant regulations to take a proper decision on the request of the petitioner. Let the petitioner make a representation to Bank upon receipt of which the Bank may hear the petitioner, call for such documents as necessary and thereafter take a decision on the return of the documents in accordance with law and prevailing guidelines expeditiously.

12. This writ petition is disposed in terms of this orders. No costs. Connected miscellaneous petition is closed.

21.02.2024

Index:Yes/No
Neutral Citation:Yes
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W.P.No.674 of 2024

DR. ANITA SUMANTH,J.

ssm

To

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