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W.P.No.6605 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.6605 of 2021

D.Nalini

... Petitioner

Vs.

1.The Chief Manager,
Indian Overseas Bank,
Texco Srinagar Colony,
Chennai – 600 118.

2.The Chief Manager,
Indian Overseas Bank,
Coimbatore Main Branch,
1218 Big Bazaar Street,
Coimbatore 641 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to release the Title Deeds of the Schedule property.

For Petitioner : Mr.M.R.Gokul Krishnan

For Respondents : No Appearance

ORDER

The petitioner has filed this petition to direct the respondent to release the Title Deeds of the Schedule property.

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2. The case of the petitioner is that he was the previous employee of the respondent bank and during his employment as Manager, he obtained a home loan, staff vehicle loan and other loan. Thereafter, he was dismissed from the bank's service with effect from 28.02.2015 alleging that he had committed acts of fraud. At the time of his dismissal, his loan outstanding with the bank was to the tune of Rs.14 lakhs. This being the case, the respondents had unilaterally debited his PF contribution from his account without getting any consent and adjusted his entire PF contribution to one of the loan accounts. Moreover, the petitioner is repaying his loan by paying monthly installment of Rs.30,000/- and also paid monthly installments of Rs.20,000/- till November 2019. But, the respondents have issued a demand notice under Section 13(2) of the SARFAESI Act. Thereafter, the petitioner has settled the entire liability to the bank. Even after the repayment of the home loan, the title deed document of the petitioner was not released. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that this Court may permit the petitioner to give a representation before the respondents and shall direct the respondents to consider the same on merits and in accordance with



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law, within a time frame to be fixed by this Court.

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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues following directions:

(i) petitioner is directed to give a representation to the respondents along with the copy of this order, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation, the respondents are directed to consider and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above observation and directions, this Writ Petition is disposed of. No costs.

22.08.2024

vm

Index : Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI,J.

vm

To:

- 1.The Chief Manager,
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