



WEB COPY



W.P.No.9898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9898 of 2022

and

WMP.No.9614 of 2022

1. Mrs.M.Vetri Selvi
2. Mrs.Shaz Anwar

... Petitioners

Vs.

Tamil Nadu Mercantile Bank Ltd.,
Rep. by its Branch Manager,
T.T.K.Road Branch,
Chennai.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus to direct the respondent herein to furnish Discharge Certificate for the Petitioner's Schedule mentioned property and handover the original documents relating to the Schedule mentioned property to the Petitioner expeditiously.



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For Petitioner : G.Nicul Anand
for G.Vijay Anand Associates

For Respondent : Mr.S.Sethuraman

ORDER

This writ petition has been filed for direction to the respondents to furnish discharge certificate of the petitioner's schedule mentioned property and to hand over the original document relating to Schedule mentioned property.

2. The petitioner had purchased Schedule mentioned property through Court auction. The said properties was originally mortgaged with respondent by way of deposit of title deeds and borrowed loan by the original owner of the property. However, the borrower committed default and as such the respondent by initiating proceedings under Reserve Bank of India Act, 1934 and the loan amount was declared as non-performing assets. The said property was brought for auction by the respondent. In the auction, the schedule mentioned property was purchased by the petitioner and the petitioner was also issued sale certificate by the Recovery Officer, DRT-II, Chennai.



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However, the petitioner now sought for discharge certificate and original parent documents relating to scheduled mentioned property. The petitioner had purchase the portion of entire property and the entire parent documents are marked before the DRT, Chennai. Insofar as the schedule mentioned property is concerned, the property duly registered before the Sub-Registrar. Further, the discharge certificate will be issued only to the borrower in respect of the land borrowed by the borrower and it cannot be issued to the purchaser of the portion of the property which was mortgaged in the respondent bank.

3. Therefore, the direction sought for in this writ petition cannot be entertained. The petitioner is at liberty to approach Debt Recovery Tribunal for certified copy of the payment if so advised. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

02.04.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.
gvn

To

Tamil Nadu Mercantile Bank Ltd.,
Rep. by its Branch Manager,
T.T.K.Road Branch,
Chennai.

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