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W.P.No.15776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

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

W.P.No.15776 of 2024

K.Machekendran

.... Petitioner

Vs

1. The Chairman,
Indian Bank, Corporate Office,
Avvai Shanmugam Salai,
Royapettah, Chennai – 14.

2. The General Manager (HRM),
Corporate Office, Indian Bank,
Avvai Shanmugam Salai,
Chennai – 600 014.

3. The Zonal Manager,
Indian Bank AVR Tower,
Bharathi Road, Cuddalore – 607 001.

4. The Branch Manager,
Indian Bank, Kattumannarkoil Branch,
Katcherry Road, Kattumannarkoil,
Cuddalore District – 608 301.

5. The Branch Manager,
Indian Bank,
Vennaiyur Branch, Vennaiyur,
Kattumannarkoil Taluk,
Cuddalore District – 608 302.

.... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to return back the title deed dated 12.10.1998 vide document number 1237 of 1998 to the petitioner and consequently directing the respondents to pay a sum of Rs.5,000/- per day as damages/compensation from the date of completion of 30 days of settlement of loan amount till the date of returning of the title deed, as per the orders of the Reserve Bank of India by considering the representation dated 29.11.2023 sent by the petitioner.

For Petitioner : Mr.P.Nagaraju

ORDER

This Writ Petition has been filed for a direction directing the respondents to return the title deeds of the petitioner along with damages for keeping original documents.

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

3. The petitioner availed housing loan of Rs.2,00,000/- from the fourth respondent to purchase a plot and construct a house. While availing the loan, the petitioner had executed a deed of equitable mortgage in favour of the fifth respondent by depositing the title deed on



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16.10.1998. According to the petitioner, he had repaid the entire loan amount and even then the original title deed is still in the custody of the fourth respondent. After repayment of the entire loan amount, the petitioner also requested to redeem the mortgage deed and return the original documents. However, it was not considered and as such, the petitioner submitted a representation.

4. In view of the above, if the petitioner had repaid the entire loan amount, the fourth respondent is directed to consider the request made by the petitioner and cancel the mortgage deed and return the original title deeds in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs.

19.06.2024

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



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G.K.ILANTHIRAIYAN, J.

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