



WEB COPY

W.P.No.17692 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

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Radhakrishnan

.. Petitioner

VS

State Bank of India
Rep. By its Chief Manager,
Gudiyatham,
Vellore District.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to register the Discharge Receipt for the amount paid by the petitioner towards full and final settlement of the loan and return the original documents of Registered Partition Deed dated 16.07.1975, Registered Rectification Deed dated 05/03/1982, Registered Sale Deed dated 10/06/1982, Registered Sale Deed dated 24/06/1981, Registered Sale Deed dated 15/04/1982, Patta Pass Book, Adangal Extract and Encumbrance Certificates dated 11/10/2006 pertaining to his property and adequately compensate him and thus render justice.

For Petitioner : Mr.V.G.M.Ramakkannan

For Respondent : Mr.M.L.Ganesh

ORDER

The petitioner is a senior citizen aged about 76 years as on date. He has sought a mandamus directing the sole respondent,



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State Bank of India, Gudiyatham, Vellore District to register the Discharge Receipt and return the original documents viz., Registered Partition Deed dated 16.07.1975, Registered Rectification Deed dated 05/03/1982, Registered Sale Deed dated 10/06/1982, Registered Sale Deed dated 24/06/1981, Registered Sale Deed dated 15/04/1982, Patta Pass Book, Adangal Extract and Encumbrance Certificates dated 11/10/2006 (in short 'original documents') pertaining to his property.

2. To be noted that the writ affidavit is bereft of any facts relating to the schedule of properties and hence this Court is not able to incorporate details of the same in this order.

3. The petitioner had settled the loan taken by him on 02.11.2006 by way of One Time Settlement (OTS) and has been seeking return of the original documents ever since settlement.

4. The respondent has filed a counter dated 16.01.2020 agreeing that the petitioner discharged the loan amount of Rs. 6 lakhs on 08.09.2021 and a no-dues certificate has been issued on the same date. They agree, at paragraph 4 of the counter that they are required to return the documents received by them to the petitioner. Thus, the factum of discharge of loan as well as the responsibility of the Bank to return his documents are admitted by the bank.



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5. However, they state that despite a diligent search having been made in the Branch, the original documents could not be retrieved. They take cover under the position that the documents might have been transferred to the other Branches for initiation of legal proceedings despite settlement of the loan. They state that all efforts are on-going to retrieve the same. Let this effort go on.

6. In the interim, the Bank agrees that they are willing to give a certificate to the effect that the original title deeds deposited with them are not traceable at their end and undertaking to provide the same as and when retrieved by them. Along with the certificates, the Bank also agrees to provide certified copies of the documents received by them with endorsements that the original documents could not be retrieved by the Bank.

7. Thus, while disposing the writ petition, the respondent is directed to provide (i) certificate of discharge receipt registered on 11.01.2024 as Document No.321/2024, Gudiyatham, (ii) certificate to the effect that the original documents are not traceable and will be provided as and when retrieved (iii) certified copies of the original documents that have been misplaced by the Bank with endorsements to the effect that the original deeds were deposited by the petitioner but could not be retrieved by the Bank, all within two weeks from date of receipt of a copy of this order. Liberty is



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reserved to the petitioner to seek compensation from the Bank for loss of original documents and prejudice caused in that regard, from the appropriate forum. No costs.

26.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Chief Manager,
State Bank of India
Gudiyatham,
Vellore District.



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DR. ANITA SUMANTH,J.

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