



WEB COPY



W.P.No.19632 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19632 of 2021

L.Nagaraj

... Petitioner

Vs.

1.The Manager,
Syndicate Bank (Canara Bank),
Kuniyamuthur,
Coimbatore.

2.N.Nithya

3.N.Sathya Priya

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to hand over to the petitioner the Loan Closing Certificate, Original Sale Deed and Cancellation of Memorandum of Deposit of Title Deed pertaining to Housing Loan Account No.6124774000716.



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For Petitioner : Mr.Tamilselvi Santhanaraman
For Respondents : Mr.AGD.Bala Kumar
for R1
No appearance for R2 and R3

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to hand over the Loan Closing Certificate, Original Sale Deed and Cancellation of Memorandum of Deposit of Title Deed pertaining to Housing Loan Account No.6124774000716 to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner's wife, Bakkiayam, was an account holder in Syndicate Bank which has now been merged with Canara Bank and she availed loan for a sum of Rs.15,00,000/- vide housing loan Account No.6124774000716 from the first respondent Bank and she died on 19.05.2015. Thereafter, the petitioner has paid the entire loan amount together with interest and made a request to the Bank to close the loan and hand over the Loan Closing Certificate along with Original Sale Deed and Memorandum of Title Deed



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Cancellation, however, he was informed that his younger daughter, namely, Nithya/second respondent herein has submitted an objection letter to the Bank for returning the aforementioned documents and the Bank has not handed over the aforementioned documents. He would further submit that his daughter was kept silent till the petitioner has repaid the loan and thereafter, she made the objection letter, since there was a dispute over the property. The petitioner has also made a representation to the first respondent Bank to give the relevant documents, however, there was no reply. Having no other alternative remedy except to approach this Court, the petitioner is before this Court.

3. The learned counsel appearing for the first respondent submits that the second and third respondents have made objections for issuance of the aforementioned documents in favour of the petitioner, therefore, the same were not handed over to the petitioner.



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4. Though notice was issued to the respondents 2 and 3, there is no representation for the respondents 2 and 3.

5. It seems from the submissions made by the learned counsel appearing for the petitioner that the petitioner has settled the entire loan amount along with interest which was borrowed by his wife, who passed away on 19.05.2015 and thereafter, he made a request to the first respondent to hand over the Loan Closing Certificate along with Memorandum of Title Deed Cancellation and Original Sale deed. It was not handed over to the petitioner on the ground that the daughter of the petitioner has made objections for handing over the aforementioned documents to the petitioner. However, it is not appropriate on the part of the first respondent Bank in not handing over the aforementioned documents to the petitioner, after settling the entire loan amount by the petitioner, merely because of the objections made by the petitioner's daughter and if the private respondents have any grievance, they have to file a civil suit claiming share over the property.



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Hence, the first respondent is directed to hand over the Loan Closing Certificate, Original Sale Deed and Cancellation of Memorandum of Deposit of Title Deed pertaining to Housing Loan Account No.6124774000716 in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order. However, liberty is granted to the respondents 2 and 3 to file a civil suit against the petitioner in the manner known to law.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

08.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

ssb

To



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The Manager,
Syndicate Bank (Canara Bank),
Kuniyamuthur,
Coimbatore.



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M.DHANDAPANI, J.

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