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W.P.No.24298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

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

W.P.No.24298 of 2022

A.Balakrishnan

... Petitioner

Vs.

The Branch Manager,
Tamilnadu Mercantile Bank,
No.20, Gollawar Agraharam Road,
P.B.No.1168, Old Washermenpet,
Chennai – 600 021.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to return the original title documents in respect of the property comprised in R.S.No.3900/29 & 3900/30 situated at Tondiarpet Village, measuring an extent of 1200 sq.ft., together with a building thereon and registered as Doc.No.3553 of 2010 dated 25.11.2010 at the office of Sub Registrar, Royapuram, given as security in respect of the loan transaction covered by Loan account No.008700960100001 without claiming to exercise any general lien.

For Petitioner : Mr.G.Thangavel

For Respondent : Mr.V.Chandrasekaran



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ORDER

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This writ petition has been filed for direction, directing the respondent to return the original title document in respect of the property comprised in R.S.No.3900/29 & 3900/30 situated at Tondiarpet Village, measuring an extent of 1200 sq.ft., registered vide Doc.No.3553 of 2010 which was given as security for the loan in Loan account No.008700960100001.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner had availed loan to the tune of Rs.25,50,000/- from the respondent bank by executing equitable mortgage in respect of the subject property in favour of the respondent vide Memorandum of Deposit of Title Deeds dated 23.12.2010, registered vide Doc.No.3947 of 2010. The entire loan amount was repaid by the petitioner and the loan account was closed as early as on 09.02.2022. When the petitioner requested to return the original title deed, the respondent directed the petitioner to close another loan account stands in the name of the petitioner's wife, in which there was a due to the tune of Rs.4,00,000/- in



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the loan account No.008700950100117. Accordingly, the petitioner has paid the entire dues and also closed the said loan account as early as on 09.02.2022 itself. Thereafter, the petitioner submitted representation for return of original title deed document by way of cancelling the mortgage deed. However, the respondent keeps the matter pending and till now the document is not returned to the petitioner.

4. Considering the above facts and circumstances, the respondent is directed to redeem the mortgage deed and release the original title deed document which was deposited as security for the loan account No.008700960100001, to the petitioner forthwith. With the above direction, the Writ Petition stands disposed of. There shall be no orders as to costs.

26.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

rts

To

The Branch Manager,
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