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W.P.No.24867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24867 of 2024

B.Shridhar Prasad

... Petitioner

Vs.

1.Indian Overseas Bank
Rep. by its Branch Manager
Aminjikarai Branch
Pachaiappas College Campus
Aminjikarai, Chennai 600 030

2.Karur Vysya Bank
Rep. by its Chief Manager
Asset Recovery Branch
No.1, Padmavathiyar Road, 2nd Floor
(Off. Peters Road), Gopalapuram
Chennai 600 086

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to release the memorandum of deposit of title deeds dated 18.03.2013 registered as Document No.2293 of 2013 and register the receipt thereof.

For Petitioner : Mr.K.Kulandai Velu



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For Respondents : Mr.M.Venkatesan - R1

Mr.R.Umasuthan - R2

ORDER

The above writ petition has been filed seeking for a direction to the respondents herein to release the memorandum of deposit of title deeds dated 18.03.2013, registered as Document No.2293 of 2013 and register the receipt thereof.

2.The learned counsel for the petitioner submitted that the petitioner purchased a property of 75 cents, in Survey No.197/2 and 197/3 as patta R.S.No.197 /2A1A and 197/3A1A situated at Door No.15, Manjakaranai Village, Uthukootai Taluk, Tiruvallur District, through an e-auction conducted by the 2nd respondent. The petitioner has also paid the entire sale consideration and the original documents of the said property following the registration of the sale certificate has been handed over by the 2nd respondent to the petitioner. The learned counsel submitted that he was shocked to note from the encumbrance certificate of the property that the memorandum of deposit of title deed dated



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18.03.2013 registered as Document No.2293 of 2013 has not been discharged by the 1st respondent. When the petitioner approached the respondents, he came to know that one Mrs.Monica Saichander had availed credit facility from the 1st respondent and the same was paid by her as early as 2014, wherein the 1st respondent failed to discharge the loan, execute the receipt and register the same. Thereby, the petitioner had sent a representation dated 25.06.2024 to the respondents herein, but the same was not yet considered by the respondents. Hence this petition.

3.Heard Mr.K.Kulandai Velu, the learned counsel for the petitioner as well as Mr.M.Venkatesan, the learned counsel appearing for the 1st respondent and Mr.R.Umasuthan, the learned counsel appearing for the 2nd respondent.

4.In view of the above, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 25.06.2024, if not already considered, and pass appropriate orders on merits and in



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accordance with law and communicate the same to the petitioner, within a period of four (4) 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.

01.10.2024

kas

Index : yes / no
Neutral Citation

To.

1.The Branch Manager
Indian Overseas Bank
Aminjikai Branch
Pachaiappas College Campus
Aminjikai, Chennai 600 030

2.The Chief Manager
Karur Vysya Bank
Asset Recovery Branch
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M.DHANDAPANI, J.

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