



W.P.No.27443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :  
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**Writ Petition No.27443 of 2023**

P.Shanmugam

... Petitioner

Vs.

1. The Manager  
Union Bank of India,  
Mid Corporate Branch,  
No.1/3, 1<sup>st</sup> Floor, Everyday complex,  
Dharapuram Road,  
Tiruppur.

2. The Branch Manager,  
Union Bank of India,  
2/83, Main Road,  
Peruntholuvu,  
Tirupur – 641 665.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus directing the respondents to return the documents given as securities through Memorandum of deposit of title deeds dated 13.06.2013 registered as Doc.No.1625 of 2013 on the file of Sub-Registrar, Thottipalayam and move forward to cancel the encumbrance entry regarding the above said Memorandum of deposit of title deeds within a stipulated time to be fixed by this Court by considering petitioner's representation dated 29.07.2023.



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W.P.No.27443 of 2023

For Petitioner  
For Respondents

: Mr.N.Ponraj  
: Mr.L.Sriram for  
M/s.Chennai Law Firm for R1 and R2

### **ORDER**

The petitioner has filed this petition seeking to direct the respondents to return the documents given as securities through Memorandum of deposit of title deeds dated 13.06.2013 registered as Doc.No.1625 of 2013 on the file of Sub-Registrar, Thottipalayam and move forward to cancel the encumbrance entry regarding the above said Memorandum of deposit of title deeds within a stipulated time to be fixed by this Court by considering petitioner's representation dated 29.07.2023.

2. It is the case of the petitioner that the petitioner and his family members mortgaged their property and availed loan from the respondent Bank to run Sree Mahalakshmi Traders which is run by the petitioner's wife since 2013. Thereafter, the said loan was repaid on 23.03.2023, however, the respondents did not return the original documents given by them as a security to obtain the said loan. Hence, the petitioner made a representation dated 29.07.2023 seeking to return their documents, however, the same was not considered. Hence, the present writ petition has been filed.

Page No.2 of 5



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3. Though very many grounds have been raised in the above writ petitioner, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 29.07.2023 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. The learned counsel appearing for the respondents 1 and 2 submit that the subject property was jointly mortgaged by the petitioner, his mother and his brother namely Selvaraj. Though the petitioner paid the entire dues payable by him, however, the very same property was mortgaged by his brother and mother. As per clause 5 of the OTS terms and conditions of the petitioner, it is stated that the property mortgaged by them should not be released until any direct or indirect liability in the names of the petitioner or his mother or his brother exist with the Bank and it is further stated that upon receipt of payment of the entire OTS amount, the branch will release the securities to the rightful owners against acknowledgment after ensuring that there are no other direct / indirect liabilities outstanding relating to borrower / guarantor.



W.P.No.27443 of 2023

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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed on record.

6. Considering the limited request made by the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 29.07.2023 and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above observation, this writ petition is disposed of. No costs.

**19.09.2024**

RAP

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No



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W.P.No.27443 of 2023

**M.DHANDAPANI,J.**

RAP

**2023**

**W.P.No.27443 of**

**19.09.2024**

Page No.5 of 5