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W.P.No.32228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.32228 of 2024

1. Saroja Chandran
 2. Pavithra Anand
- ...Petitioners

Vs.

The Bank Manager,
State Bank of India,
Anna Nagar Branch,
Chennai, Tamil Nadu.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent bank to hand over the original documents relating to the housing loan account No.33322289548 and execute the necessary mortgage receipt without insisting upon the concurrence of other legal heir namely Prasanna Kumar Chandran as per the representation dated 28.08.2024.

For Petitioners : Mr.Krishna Ravindran

For Respondent : Mr.K.Chandrasekaran



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ORDER

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This Writ petition has been filed by the petitioners seeking to direct the respondent bank to hand over the original documents relating to the housing loan account No.33322289548 and to consequently execute necessary mortgage receipt without insisting upon the concurrence of other legal heir namely, Prasanna Kumar Chandran, by considering the representation dated 28.08.2024.

2. The case of the petitioners is that, the petitioners are mother and daughter and the 1st petitioner's husband namely Chandran purchased Plot No.932, H-Block, 16th Main Road, Anna Nagar West, Chennai, comprised in S.No. 220 Part and 223 Part, measuring an extent of 5000 sq. ft. at Arignar Anna Nagar, Thirumangalam Village. The said property was purchased by her husband, vide Conditional sale deed dated 23.08.1990 registered as Doc. No.4179 of 1990 executed by Tamil Nadu Housing Board and subsequently, the Tamil Nadu Housing Board had executed Release Deed dated 04.01.1993 in favour of the said Chandran and thereby they became the absolute owner of the Property. The said Chandran had applied for housing loan for a sum of



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Rs.25,00,000/- and had executed Memorandum of Deposit of Title Deeds dated 27.09.2013. Later, the 1st petitioner's husband died intestate on 05.08.2014 leaving behind the petitioners herein and his son namely Prasanna Kumar Chandran as his legal heirs. The above said housing loan was fully repaid and loan account was closed as early as on 04.05.2023 and the respondent bank had issued necessary letters confirming the closure of the aforesaid loan account. While so, when the petitioners approached the respondent bank in person and requested them to handover the original documents and execution of mortgage receipt relating to the house property, the Respondent Bank refused to do the same and orally informed that the third legal heir of the deceased ie., the said Prasanna Kumar Chandran must be present and request for release of documents. Thereby, the Petitioners sent a letter dated 28.08.2024, requesting to release the original documents and they also expressed their willingness to execute any indemnity bond, if require, which evoked no response. Hence, this Writ Petition.

3. Learned counsel for the petitioners submitted that, when the entire loan amount was repaid as early as 04.05.2023 and when the closure of the



said loan account was also confirmed by the respondent, refusing to handover the original documents and to execute a mortgage receipt relating to the house property merely on the ground that, one of the legal heir is not present at the time of seeking return of original documents is not sustainable and it is pertinent to note that, the said Prasanna Kumar Chandran is a British citizen and he is presently residing at Norway. While so, necessitating the presence of the said Prasanna Kumar is wholly unsustainable and the respondent bank is not entitled to retain the original documents, even after repayment of the housing loan availed by the 1st petitioner's husband and due to the above said act of the respondent bank, the petitioners are put to great hardship. Learned counsel further submitted that, the petitioners are ready to execute any indemnity bond, if necessary. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing on behalf of the respondents submitted that, the said Prasanna Kumar, who is other legal heir of the said Chandran in addition to the petitioners was not added as a necessary party even in this Writ petition and the same raises various doubts.

However, he fairly submitted that, if all the legal heirs of the said Chandran,



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including the petitioners herein approach the respondent bank for release of original documents, the respondent bank will release the original documents in accordance with law.

5. In view of the aforesaid submission made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent bank to issue notice to the said Prasanna Kumar within a period of two weeks from the date of receipt of a copy of this order, seeking his reply with regard to release of original documents in favour of the petitioners and if there is no response from his side within a stipulated time, the respondent bank shall return all the original documents submitted by the said Chandran at the time of availing the above said housing loan including the discharge receipt in favour of the petitioners, after obtaining appropriate Indemnity bond from the petitioners.

6. With the above directions, this Writ Petition stands disposed of. No costs.

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

To:

1. The Chief Educational Officer,
Chennai District,
Presidency Girls Higher Secondary School,
Spur Tank Road, Egmore, Chennai – 600 008.
2. The District Educational Officer (Private Schools),
Chennai South Zone, Ambedkar School Campus,
Egmore, Chennai – 600 008.

M.DHANDAPANI, J.

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WMP.No.35006 of 2024
in
W.P.No.32228 of 2024

M.DHANDAPANI, J.

In view of amendment to the



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Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

30.10.2024
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