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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35087 of 2023

Karuppathal

... Petitioner

Vs.

- 1.The Regional Director,
Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai – 600 001.
- 2.The Branch Manager,
RBL Bank Limited,
Kagem Branch,
49/A. Manalkattu Thottam,
Ellakadaai,
Erode.
- 3.The Branch Manager,
RBL Bank Limited,
Erode Branch,
Akil Plaza Complex,
Perunthurai Road,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to direct the



respondents 2 and 3 to return of document in respect of property in Survey No.376/1 with an extent of 6.92 ½ acre of then Mangalampatti Village, presently Poomandavalasu, Kangeyam Taluk, Tirupur District mortgaged by deposit of title deeds MOD bearing document at No.113/2020 at Vellakovil Sub Registrar Office, Tirupur District to the petitioner (Nominee) by considering the representation of the petitioner dated 29.05.2023 to the respondents.

For Petitioner	: Mr.K.Baala Sundaram Senior Counsel For Mr.R.Paranjothi
For R1	: Mr.T.Poornam
For R2 & R3	: Mr.A.Murali For Ms.N.Parameswari

ORDER

The Writ of Mandamus has been instituted to direct the 1st respondent to direct the respondents 2 and 3 to return of document in respect of property in Survey No.376/1 to an extent of 6.92 ½ acre of then Mangalampatti Village, presently Poomandavalasu, Kangeyam Taluk, Tiruppur District mortgaged by deposit of Title Deeds MOD bearing Document No.113 of 2020 at Vellakovil Sub Registrar Office, Tiruppur District to the petitioner (Nominee) by considering the representation of the petitioner dated



29.05.2023 to the respondents.

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2. The learned Senior Counsel appearing on behalf of the petitioner would submit that the petitioner is a nominee and one of the daughter of the deceased Principal has given no objection. Therefore, there is no impediment for the 2nd respondent / Bank to return the original document. It is not in dispute that the dues have already been settled by the petitioner. Therefore, a direction is to be issued.

3. The learned counsel for the 2nd respondent / Bank made a submission that the Bank is ready and willing to return the documents provided the petitioner has to produce the relevant documents including legal heir certificate and no objection from other legal heirs. As per the Bank's Policy and Reserve Bank of India's instructions, they have to follow the procedures for the return of documents. In the event of complying with the conditions stipulated, Bank will be in a position to return the documents. Since the petitioner has not produced the relevant documents, her request was not acceded.



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4. If at all the petitioner claiming right over the immovable property and for return of document from the Bank, she has to establish her right in the manner known to law. As far as the 2nd respondent / Bank is concerned, they are bound to comply with the procedures as contemplated.

5. Therefore, this Court is not in a position to consider the relief as such sought for in the present writ petition. However, the petitioner is at liberty to comply with the conditions as contemplated by the Bank and on such compliance, the Bank has to act accordingly.

6. With these observations, this Writ Petition stands disposed of. No costs.

02.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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