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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.379 of 2024

Mrs.S.Ranganayaki

... Petitioner

Vs.

State Bank of India,
rep. herein by its Chief Manager,
Tirupathur Branch – 0934,
Tirupathur, Vellore District,
Pincode 635 601.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to release the documents pertaining to the property situate at Old No.7/1, New No.38, Chairman Viswanthan Street, Tirupathur, Vellore District, Pincode – 635 601 deposited in pursuance of the loan agreement dated 25.02.1998 in Loan Account No.01593/034777 availed by the Late Mrs.Meera Krishnan with the respondent Bank to petitioner's brothers and the legal heirs of petitioner's deceased brother and sister.

For Petitioner

: Ms.S.P.Arthi

For Respondent

: Mr.B.Raghavulu Naidu



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ORDER

The Writ of Mandamus has been instituted to direct the respondents to release the documents pertaining to the property situate at Old No.7/1, New No.38, Chairman Viswanthan Street, Tirupathur, Vellore District, Pincode – 635 601 deposited in pursuance of the loan agreement dated 25.02.1998 in Loan Account No.01593/034777 availed by the Late Mrs.Meera Krishnan with the respondent Bank to petitioner's brothers and the legal heirs of petitioner's deceased brother and sister.

2. The petitioner brother's wife Mrs.Meera Krishnan was the borrower from the respondent / State Bank of India. The respondent / Bank has filed a suit for recovery of money before the Sub Court, Tirupathur in O.S.No.33 of 2010 against the brother of the petitioner Mr.S.Krishnan and the Mr.Giridharan nephew of the petitioner.

3. Mrs.S.P.Arthi, learned counsel for the petitioner would submit that both the sister in law of the petitioner / borrower and her husband Mr.S.Krishnan died and their only son Mr.Giridharan also died.



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4. The loan was borrowed in the year 1998 and in order to settle the issues, the petitioner along with siblings paid the entire loan dues to the satisfaction of the respondent / Bank. When they made application to return of documents, the same has not been complied with. Thus, the present writ petition came to be instituted.

5. Mrs.S.P.Arthi, learned counsel for the petitioner would submit that there is no disputed facts involved and the bank itself instituted a suit accepting the relationship between the parties and further admitted the fact that the original borrower Meera Krishnan and her husband Krishna and their only son Giridharan all died and therefore, the petitioner and their siblings are entitled to get the original documents.

6. Since the relationship between the parties are not disputed by the respondents and more so, the respondent filed a civil suit setting out very same facts as put forth by the petitioner in the present writ petition, this Court is inclined to consider the present writ petition.



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7. Accordingly, the respondents are directed to return all the original documents to the petitioner along with other siblings, if necessary by obtaining affidavit cum Indemnity Bond. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands allowed. No costs.

23.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Chief Manager,
State Bank of India,
Tirupathur Branch – 0934,
Tirupathur, Vellore District,
Pincode 635 601.



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S.M.SUBRAMANIAM, J.

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