



W.P.(MD).No.129 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.129 of 2022

K.Thavamani

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
16, Rajaji Salai, Fort Glacis,
Chennai,
Tamil Nadu-600 001.

2.The Regional Officer,
RBO-IV,
State Bank of India,
Administrative Office,
“Madhuras Complex”,
No.2, Dr.Ambedkar Road,
Madurai-625 002.

3.The Branch Manager,
State Bank of India,
Thanichiyam Branch,
Vadipatti Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to execute a discharge receipt for the Mortgage Deed dated 04.08.1993 registered at the office of the Sub-Registrar,



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Vadipatti in Document No.753/1993 before the concerned Sub-Registrar within a time frame as fixed by this Court and to return the deposited 'Title Deeds' pertaining to the mortgage to the petitioner.

For Petitioner : Mr.S.Chandrasekaran

For R-3 : Mr.V.P.Rajan

For R-1 & R-2 : No appearance

ORDER

This writ petition has been filed to direct the 3rd respondent to execute a discharge receipt for the Mortgage Deed dated 04.08.1993 registered at the office of the Sub-Registrar, Vadipatti in Document No.753/1993 before the concerned Sub-Registrar and to return the deposited 'Title Deeds' pertaining to the mortgage to the petitioner.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The plight of the petitioner herein is that the 3rd respondent bank has refrained from executing a discharge receipt for the mortgage deed dated 04.08.1993 in document No.753 of 1993 of



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Vadipatti Sub Registry, despite full disbursal of the loan pertaining to the aforesaid mortgage.

4. When the matter was taken up for hearing, the learned counsel appearing for the 3rd respondent bank on instructions submitted that the bank would execute the discharge receipt within 15 days in favour of the writ petitioner. He further submitted that the mortgage deed bearing document No.753 of 1993 and the related title documents are not available with the bank and hence a non-traceable certificate for the said documents would be duly issued.

5. The petitioner has no objection for the same, and he will be satisfied at least if they issue a discharge receipt and a non-traceable certificate pertaining to the said mortgage, at the earliest.

6. In view of the same, the 3rd respondent bank is directed to issue a discharge receipt forthwith within a week from the date of receipt of a copy of this order in favour of the writ petitioner. That apart, a non-traceable certificate for the mortgage deed as well as the title deed with respect to the mortgage deed No.753 of 1993 of



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Vadipatti Sub Registry, should also be issued along with the discharge certificate.

7. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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