



W.P(MD)No.6901 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Jothi

... Petitioner

Vs.

1.Banking Ombudsman,
The Reserve Bank of India,
For Glacis, Chennai-600 001.

2.The Chief Manager,
State Bank of India,
Local Head Office, Circle Top House,
16, College Lane,
Chennai 600 006.

3.The Branch Manager,
State Bank of India,
Tenkasi Branch,
Tenkasi.

... 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 return the original title deeds, which are deposited as a security for the ATL Loan No.10955971109 and in furtherance to issue the registered discharge receipt for the said mortgage dated 30.08.2005, within period to be fixed by this Court.



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For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.C.Deepak
Standing Counsel for R2 & R3

ORDER

Heard both sides.

2. The petitioner's father had availed loan from the third respondent. The loan liability has since been settled. The petitioner wanted the original document back. The third respondent appears to have misplaced the same. Hence, the complaint was lodged before the Ombudsman. Ombudsman vide order dated 07.02.2024 directed the bank to pay a sum of Rs.50,000/- as compensation to the petitioner. The bank was also directed to issue certified copy of the documents. When the banking Ombudsman had already passed such an order, the question of this Court issuing a fresh direction for return of the original document will not arise at all. This is because, the original document admittedly had been lost.

3. The learned standing counsel for the bank informs the Court that compensation amount of Rs.50,000/- has since been paid. The third respondent is directed to apply to the Sub Registrar, Veerasigamani, Tenkasi District and apply for certified copy of the petition mentioned documents. The said Sub Registrar is directed to make endorsement on the certified copy indicating that



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since the original title document has been misplaced by the bank, the certificate copy shall be treated as original document. It is declared that the following document numbers have been lost namely

Document No.781/ 2005,

Document No.441/2005 &

Document No.343/2005.

The jurisdictional Sub Registrar is also directed to register this order passed in this writ petition.

4. The Writ Petition is allowed. No costs.

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Index : Yes / No

Internet : Yes/ No

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NOTE: Registry to mark a copy of this order to the Sub Registrar, Veerasigamani, Tenkasi District.



WEB COPY



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G.R.SWAMINATHAN, J.

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