



W.P.(MD)No.19181 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19181 of 2024

Balakrishnan

... Petitioner

Vs

1. The Reserve Bank of India,
Fort Glacis,
16, Rajaji Road,
Fort. St. George,
Chennai.

2. The General Manager,
Tamil Nadu Mercandile Bank, Head Office,
14 F and C, Mani Nagar,
Palayamkottai Road,
Thoothukudi.

3. The Authorized Officer / Branch Manager,
Tamil Nadu Mercandile Bank,
Megnanapuram Branch,
4/111, Tiruchendur Road,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to direct the respondent No.2 and 3 to hand over the original document vide



W.P.(MD)No.19181 of 2024

document number 441/2004 on the file of the Sub Registrar, Udankudi, dated 12.04.2004 by considering the petitioner representation, dated 25.07.2024 within time as fixed by this Court.

For Petitioner : Mr. D.S.Haroon Rasheed
For Respondents : Mr.N.Dilip Kumar (R2,3)
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent No.2 and 3 to hand over the original document vide document number 441/2004 on the file of the Sub Registrar, Udankudi, dated 12.04.2004 by considering the petitioner representation, dated 25.07.2024.

2.Heard Mr.D.S.Haroon Rasheed, the learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel appearing for the respondents 2 & 3. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.It is the grievance of the petitioner that the petitioner's mother has availed a loan from the respondent Bank and executed the memorandum of title



W.P.(MD)No.19181 of 2024

deeds on 12.03.2008. Thereafter, the petitioner's mother has executed a registered Will, dated 16.04.2008 bequeathing her right in favour of the petitioner. Thereafter, the petitioner's mother died on 18.08.2015. The entire loan has been paid by the petitioner. Despite the production of registered Will, the document has not been returned to the petitioner and sought for consent from the other legal heirs.

5.Though the loan amount is paid by the petitioner, there is no objection raised by the other legal heirs and production of registered Will by the petitioner, the respondent Bank is still insisting to get No Objection Certificate from the other legal heirs. In such view of the matter, this Court is of the view that once registered Will is produced by the petitioner, the Bank has to return the document. If anybody challenges the Will, it is for them to seek remedy in the manner known to law.

6.In view of the above, the petitioner is directed to execute an Indemnity Bond as required by the Bank forthwith and on receipt of the same, the respondent Bank is directed to return the original document vide document number 441/2004 on the file of the Sub Registrar, Udankudi, dated 12.04.2004



W.P.(MD)No.19181 of 2024

within a period of one week from the date of receipt of Indemnity Bond.

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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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W.P.(MD)No.19181 of 2024

N.SATHISH KUMAR, J.

PNM

ORDER IN

W.P.(MD)No.19181 of 2024

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