



W.P(MD)No.6534 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.6534 of 2018

M/s.Chivas Enterprise,
Proprietrix of R.Geetha,
W/o.G.Radhakrishnan,
Residing at C2, Balaji Apartments,
Nehru Street,
Srirangam,
Trichy – 6.

... Petitioner

Vs

Indian Bank,
Represented by its Branch Manager,
Srirangam Branch,
Trichy – 6.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to return back the original documents deposited with the respondent Bank for the Over Draft Facility pertaining to the loan (Current Account No.503, 504) availed by the petitioner and her husband on the basis of the petitioner's representation dated 04.12.2017 within the time limit fixed by this Court.

For Petitioner : Mr.R.Aravindan

For Respondent : Mr.A.Thiyagarajan



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ORDER

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This Writ Petition has been filed for a direction, directing the respondent to return back the original documents which were deposited while availing the Over Draft Facility loan by the petitioner and her husband.

2.The petitioner is the proprietrix concern. While being so, for the purpose of the petitioner's business, she along with her husband availed the loan facility of Over Draft Facility with the respondent by depositing the original title deeds. Even after repayment of the entire loan amount, the respondent did not return the original documents which were deposited by the petitioner while availing the Over Draft Facility loan.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.On perusal of the records reveals that the petitioner was directed to deposit a sum of Rs.1,60,000/- in No Lien account.



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After getting sanction for closure of the account through settling from the respondent, they will offer One Time Settlement or they will return back the amount. However, thereafter, there is no record to show whether the petitioner was offered OTS or the respondent returned the entire amount which was deposited by the petitioner. Therefore, the direction sought for in this Writ Petition cannot be considered and the same is devoid of merits.

5. Accordingly, this Writ Petition is dismissed. However, if the petitioner settled the entire amount, as directed by the respondent, the respondent Bank is directed to redeem the mortgage and return the original document in accordance with law. There shall be no order as to costs.

04.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

Indian Bank,
Represented by its Branch Manager,
Srirangam Branch,
Trichy – 6.



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G.K.ILANTHIRAIYAN, J.

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Order made in
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