



W.P (MD).No. 12269 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.12269 of 2018

S.Chitra

...Petitioner

Vs.

The Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
“Jeevan Prakash”,
Bridge Station Road,
P.B.No.16, Sellur,
Madurai – 625 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to return the title deeds of the petitioner's landed property, which were all deposited in loan account No. 6404028 by closing the same by considering the petitioner's representation dated 03.01.2018 within a stipulated time as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar

For Respondent : Mr.C.Godwin

ORDER

This writ petition has been filed to direct the respondent to return the title deeds of the petitioner's landed property, which were deposited in loan account No.6404028 with the respondent.



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2. The petitioner is the second wife of one Subramanian. Her husband borrowed loan from the respondent on 13.08.1993, to construct a cinema theatre, by depositing title deeds of landed property, which stands in the name of one Bharathi, who is the son born to the petitioner's husband through first wife. Thereafter, the said Bharathi died in the year 1996 and thereafter, the petitioner's husband committed default and his loan account was declared as Non-Performing Asset. Therefore, the respondent initiated proceedings under SARFAESI Act, in O.A.No.163 of 2009 before the Debt Recovery Tribunal. While pending the said proceedings, the petitioner's husband also died in the year 2007. There was one time settlement proposal, in which, the petitioner had paid a sum of Rs. 12,00,000/- (Rupees Twelve Lakhs only). However, the petitioner sought for further time to make balance payment. But, without considering the same, the respondent issue demand notice, demanding a sum of RS.26,00,000/- (Rupees Twenty Six Lakhs only). Now, the petitioner sought for direction to return the title deeds of loan property, which were deposited in loan Account No.6404028.

3. Considering the request made by the petitioner, the respondent is directed to return the original title deeds by redeeming the mortgage, after the petitioner pays



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entire loan amount as demanded by the respondent, with in a period of eight weeks from the date of receipt of copy of this order.

4. With the above direction, the writ petition stands disposed of.

No costs.

Internet : Yes
Index : Yes/No
NCC : Yes/No
LS

04.11.2024

To

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G.K.ILANTHIRAIYAN, J.

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