



W.P(MD)No.12780 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.12780 of 2018

Ganesan

... Petitioner

Vs

1.Sundaram BNP Paribas Home Finance Limited,
Sundaram Towers,
46, Whites Road,
Chennai 600 014.

2.Sundaram BNP Paribas Home Finance Limited,
21, Patullos Road,
Chennai 600 002.

3.Sundaram BNP Paribas Home Finance Limited,
1st Floor, 131, Azhagarkovil Road,
Kallazhagar Shopping Complex,
Tallakulam,
Madurai 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to return the property documents of the petitioner submitted to the respondents at the time of granting of loan in Loan



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A/c.No.20016244.

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For Petitioner : Mr.J.Anandkumar
For Respondents : No appearance

ORDER

The petitioner with a grievance that the documents submitted by the petitioner at the time of grant of loan has not been returned to the petitioner by the respondents has filed this petition in the year 2018.

2.The case of the petitioner is that he has borrowed a sum of Rs.1,50,00,000/- as loan from the respondents by pledging his house property in the year 2012 and he has settled a sum of Rs.70,00,000/- under the One Time Settlement Scheme provided by the respondents. However, the documents pledged by the respondents have not been returned to the petitioner. When the petitioner approached the respondents, the respondents have demanded a sum of Rs.7,51,120/- as pending overdue amount by a notice dated 05.07.2017. The petitioner has paid the amount in two



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installments as Rs.4,00,000/- on 06.07.2017 and a sum of Rs.3,00,000/- on 30.09.2017. Even thereafter, the respondents have not returned the documents and issued another notice dated 06.10.2017 stating that there is a over due amount of Rs.7,80,709/-. Therefore, the petitioner has approached the respondents to furnish the statement of accounts of his loan account. Once again, the respondent Bank has issued a notice dated 17.11.2017 mentioning that a sum of Rs.6,62,624/- is pending as over due as on 30.11.2017. Another notice dated 09.03.2018 mentioning a over due amount as Rs.7,01,496/- was also issued by the respondents. Therefore, the petitioner has approached this Court in the year 2018.

3. Though the respondents have entered appearance, they have not filed any counter affidavit so far in this writ petition. This writ petition is pending from the year 2018.

4. Today(26.03.2024), when this writ petition is taken up for hearing, there is no representation for the respondents.



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5.Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

6.Perusal of the documents filed by the petitioner in support of this writ petition shows that the petitioner was provided with one time settlement scheme by the respondent Bank and he has settled the amount under the One time settlement scheme. Thereafter, the petitioner was issued with a notice, dated 05.07.2017 demanding a sum of Rs.7,51,120/- as pending overdue amount. The petitioner has also settled the above mentioned amount in two installments on 06.07.2017 and 30.09.2017. Even thereafter, the respondents keep on sending notices to the petitioner. Though this writ petition was filed in the year 2018, the respondents have not filed any counter affidavit justifying the demand raised by them.

7.In view of the above, this writ petition is disposed of with a direction to the respondents to return the documents to the



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petitioner, which were pledged by him, since the petitioner claims that he has settled the loan amount in the One time settlement scheme provided by the respondents Bank, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

26.03.2024

NCC: Yes/No

Index:Yes

Internet:Yes

vrn

To

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B.PUGALENDHI, J.

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Order made in
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