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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23088 of 2024

Rathinasamy ... Petitioner

Vs.

1.The Chief General Manager,
Canara Bank Circle Office,
St.Mary's Campus, East Veli Street,
Madurai.

2.The Chief Manager,
Canara Bank,
Tenkasi Branch,
Tenkasi.

3.The Sub Registrar Joint II,
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 second respondent to take necessary steps towards obtaining “Duplicate Document” for the sale deed dated 15.09.2000 registered in Doc.No. 2029/2000 at SRO, Tenkasi and to execute the necessary documents for the discharge of the loan, consequently to direct the respondents 1 and 2 to compensate the petitioner with a reasonable amount of Rs.10,00,000/- for the unwarranted mental agony and sufferings that he had to undergo for the past 17 years.

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For Petitioner : Mr.M.Dinesh Hari Sundarsan

For Respondents : Mr.N.Dilipkumar (for R1 & R2)
Mr.M.Siddharthan (for R3)
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the second respondent to take necessary steps towards obtaining "Duplicate Document" for the sale deed dated 15.09.2000 registered in Doc.No.2029/2000 at SRO, Tenkasi and to execute the necessary documents for the discharge of the loan, consequently to direct the respondents 1 and 2 to compensate the petitioner with a reasonable amount of Rs.10,00,000/- for the unwarranted mental agony and sufferings that he had to undergo for the past 17 years.

2. It is the case of the petitioner that he has borrowed loan for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) from the second respondent bank on 02.01.2003, for which, he deposited a original title deeds in favour of the second respondent Bank on 12.09.2005. The said loan has been cleared by the petitioner on 12.02.2008. Despite settling the loan amount, neither the document nor the discharge receipt has been

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given to the petitioner. In this regard, he has given a representation to the respondent bank. The second respondent also given explanation that the original document has gone missing and they are ready to execute the certified copies of all missing original documents and to issue a certificate from the Branch confirming the misplacement of documents in the branch. Thereafter, no steps have been taken so far. Hence, seeks direction.

3. The learned counsel for the respondents 1 and 2, on instructions, would submit that the bank has not disputed the factual aspects. The bank themselves will apply to get certify copy of the petitioner's document from the concerned designation authority and also get untraceable certificate from the concerned police by lodging FIR. Besides, it is also stated that the bank will execute a discharge receipt before the registering authority. This statement is recorded.

4. As the fact has not been disputed and now, it appears that the bank has taken steps to get certify copies of the missing documents of the petitioner from the concerned registering authority, besides NTC from the police, the petitioner is directed to appear before the police to

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give statement as required by them in this regard. Thereafter, the bank is directed to get NTC from the concerned police and hand over the certified copies of the documents with endorsement that the originals were already lost in the bank. Besides, the bank is also directed to execute a discharge receipt, so that the encumbrance on the petitioner's property will be cleared. Such exercise shall be made within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

17.10.2024

Index : Yes / No
NCC : Yes / No
Rmk

To

The Sub Registrar Joint II,
Tenkasi.

N.SATHISH KUMAR, J.

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Rmk

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