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W.P.(MD)NO.29474 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29474 of 2023

P.Muthuraj

... Petitioner

Vs.

1. The Branch Manager,
Canara Bank,
Uthamapalayam Branch,
Theni District.

2. The Sub Registrar,
O/o.Sub Registrar Office,
Thevaram,
Periyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue discharge certificate by cancelling the memorandum of deposit of title deeds(MOD) registered as document No.190 of 2013 dated 11.01.2013 before the second respondent and return back the original documents which was furnished as secured assets to the agriculture loan in loan account No.1023840012900 and loan account No.1023883000022 by considering the petitioner's representation dated 30.11.2023 within the period that may be stipulated by this Court.



For Petitioner : Mr.Ajmal Khan,
Senior counsel,
for M/s.Ajmal Associates.

For R-1 : Mr.K.Pethu Rajesh

For R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the second respondent and the learned Standing counsel appearing for the first respondent bank.

2. The petitioner and the first respondent had three transactions. This writ petition was filed, when the petitioner had cleared the first two transactions. Citing the non-closure of the third account, the bank was opposing the writ prayer. The writ petition was originally posted for orders and thereafter, reopened for re-hearing. That is how, the matter was once again listed before this Court today.



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3. When the matter was taken up for hearing today, the learned Senior counsel appearing for the writ petitioner submitted that in order to give a quietus to the issue, the petitioner decided to close the third account also. The learned Standing counsel appearing for the Bank submitted that there are other unsecured transactions in respect of another branch of Canara Bank and that the matter has gone before the Debts Recovery Tribunal.

4. Be that as it may, if the petition mentioned three accounts are cleared by the petitioner, the respondent bank is obliged to return all the original documents.

5. It is true that the present writ petition pertains only to two memoranda of deposit of title deeds. The writ petition was filed in December 2023. The writ Court is entitled to mould the relief. It can take note of the subsequent developments. That is why, in any writ prayer the expression “to pass further or other orders as this Court may deem fit and proper in the circumstances of the case” is employed. I am inclined to mould the relief in favour of the petitioner. Once the petitioner settles the third account with the first respondent, the first respondent is directed to issue discharge certificate and cancel all the three memoranda of deposit



of title deeds registered as document Nos.190/2013 dated 11.01.2013 on the file of the Sub Registrar, Uthamapalayam, document Nos.3150 of 2023 dated 29.12.2014 on the file of the Sub Registrar, Devaram and Document No.75 of 2015 dated 09.01.2015 on the file of the Sub Registrar, Uthamapalayam. This writ petition stands allowed on these terms. No costs.

08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

Note : Issue order copy on 10.07.2024.

To:

1. The Branch Manager,
Canara Bank,
Uthamapalayam Branch,
Theni District.
2. The Sub Registrar,
O/o.Sub Registrar Office,
Thevaram,
Periyakulam Taluk,
Theni District.



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G.R.SWAMINATHAN,J.

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