

21-03-2025
Item No.41
Court no. 14
AGM

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No. 18671 of 2024

Sarmistha Chakraborty

-vs-

The Union of India & Ors.

Mr. Arka Banerjee.

Mr. Aman Kumar Singh. ...for the petitioner.

Ms. Aparajita Ghosh.

... For the respondent nos. 2 to 4.

Mr. Ganga Prosad Mukherjee.

... For the Union of India.

1. The husband of the petitioner obtained a loan from the Canara Bank. The borrower is missing for a long period of time. The petitioner has settled the loan amount and claims the documents from the bank. The bank is not returning the documents to the petitioner as the borrower has not come forward to claim the same.
2. Learned advocate for the bank submits that for return of the title deed, the bank requires the following documents from the petitioner or heir of the borrower:
 1. Copy of the complaint filed before the police authorities;
 2. Copy of F.I.R.,
 3. Copy of paper publication regarding missing of the person (if the complaint was filed before the police authorities regard missing of the person within a period of three months, copy of the paper publication will not be insisted.)

4. Non traceable certificate/report issued by the police authorities).
5. Documentary evidence and proof of identification to prove that the persons making claim are legal heirs/nominee of the missing person and any other documents as the facts and circumstances of the case warrants.
3. For the purpose of settlement of claims, the date of calculation of seven years may be reckoned from the date of FIR or publication in the newspaper, whichever is earlier.
4. It will be open for the petitioner to provide the aforesaid documents to the Bank. Within a fortnight from the date of the receipt of the required documents, the deed of the mortgaged property shall be returned to the eligible person(s).
5. The writ petition stands disposed of.
6. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]

