IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 1166 of 2023
and WMP No. 5706 of 2025

S.Nirmala

Petitioner(s)

Vs

1. The General Manager-I
State Bank of India,
7th Floor, Local Head Office,
16th College Road,
Nungambakkam, Chennai- 600 006.

2.The Manager,
State Bank of India,
Kaliamman Koil Street Branch,
No.33/13, Kaliamman Koil Street,
Sai Nagar Annex,
Chinmaya Nagar, Chennai- 600 092.

3.The Assistant General Manager,
State Bank of India,
Main Branch,
No.84, Rajaji Salai, Chennai- 600 001.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to return the original documents/sale deed vide doc.No.3601 of 2010 dated 07.10.2010 on the file of the SRO, Villivakkam.

For Petitioner(s): Mr.S.John Josh

For Respondent(s): Mr.M.L.Ganesh

ORDER

This writ petition has been filed for a direction to the respondent Bank to return back the original documents which were given as a security by the petitioner.

2.The respondents 1 to 3 have filed the counter affidavit. The relevant portions are extracted hereunder:

3. At the outset, I respectfully state that the petitioner's husband had availed a housing loan in the year 2010 to the tune of Rs.24,84,000/-from State Bank of Mysore and created an equitable mortgage by depositing the original sale deed, registered as

Doc.No.3601 of 2010 SRO Villivakkam to secure the said loan liability.

4. I further state that the petitioner's husband had died on 11.04.2019 due to certain illness. Subsequently the petitioner had voluntarily pre-closed the said housing loan not by pressure exerted by the respondent bank.

5. I further state that the respondents had made sincere efforts to retrieve the original documents but unsuccessful solely for the reason that subsequent to the merger of State Bank of Mysore with State Bank of India in the year 2017, all loan security documents and title deeds were in a disarray condition due to shifting of premises. It is pertinent to mention that subsequent to the merger, the respondent bank had sent letters to the borrowers to collect the original documents after the loan amount is duly discharged.

6. I. further state that the respondent bank had cancelled the MOD on 15.11.2022 vide Deed of Receipt, registered as Doc.No.9228 of 2022 SRO Villivakkam. At the time of registration of receipt, the respondent bank had informed the SRO, Villivakkam vide letter dated 10.10.2022 that original MOD registered as

Doc.No.1163 of 2011 SRO Villivakkam misplaced due to shifting of premises, which the petitioner is fully aware of the same.

7. I further state that the respondents have made several frantic efforts to retrieve the original documents but went in vain. The misplacement of documents is neither wilful nor wanton but for the reason that SBM and other associate banks merged with SBI by virtue of notification issued by Central Government and that the documents have been misplaced while shifting of the Branch premises.

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10. I further state that as an alternative arrangement, the respondent bank is ready and willing to give a certificate to the petitioner stating that the original sale deed and MOD are not traceable due to shifting of bank premises and undertake to provide as and when retrieved from the branch. Besides such certificate, the respondent bank is also ready and willing to provide certified copy of the said document by putting an endorsement that original title deed was deposited by the petitioner's husband but it could not be handed over to the petitioner subsequent to the discharge of loan amount and the petitioner can use such certificate and certified copy for availing *loan from any bank or financial institution.*

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14.I further state that this Hon'ble court has passed similar order on 25.11.2021 in W.P.No.28621 of 2013(Marikannu Vs SBI) and the respondent bank is ready to abide by the same condition as may be imposed by this Hon'ble Court.

3.Heard Mr.S.John Josh, learned counsel appearing on behalf of the petitioner and Mr.M.L.Ganesh, learned counsel appearing on behalf of the respondents.

4.It is clear from the above that the loan was availed by the petitioner's husband and the entire amount has been pre-closed. Unfortunately, the original document that was given as a security has been misplaced and is not able to be traced/retrieved. The undertaking given by the Bank at Paragraph No.10 will sufficiently take care of the interest of the petitioner. If in future, the original document is traced, the respondent Bank shall handover the original document to the petitioner. Till then, the certified copy which is certified by the Bank by making the necessary endorsement will be treated as the original document insofar as the petitioner is concerned.

5.The petitioner is directed to go over to the 2nd respondent Bank and the 2nd respondent will do the needful immediately. The petitioner shall give an affidavit to the 2nd respondent to the effect that the property has not been dealt with by the petitioner till date.

6.This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

19-08-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
ssr

To

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N.ANAND VENKATESH J.

ssr

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