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W.P.No.4890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.4890 of 2025

and W.M.P.Nos.5417, 5418 and 5419 of 2025

R.Palanisamy
Proprietor M/s.Ravi Engineering Works,
No.20-G, R.G.Nagar Rathinapuri,
Coimbatore- 641 027

Petitioner

Vs

1.The Authorised Officer
Union Bank of India,
P.B.No.8, 235, Oppanakara Street,
Coimbatore- 641 001

2.M.Poornima
D/o.Mariappan,
No.21, Thirumalai Nagar,
Udayampalayam,
Coimbatore- 641 049

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent bank to issue a letter of communication to the petitioner acknowledging the discharge of the debt availed by the petitioner towards the credit facilities in Accounts Nos.048613046002200 and 048630100033607 and consequently direct the 1st respondent to return the title deeds and documents pertaining to the Item No.1 and 2 property, to the petitioner.

For Petitioner: Mr.Abdul Hameed
Senior Counsel
for M/s.AAV Partners

For Respondents: Mrs. Ananda Gomathy
for respondent No.1

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Claiming return of the title deeds in respect of one of the properties which has not been sold in auction, on the claim of having deposited excess amount, the petitioner has filed this petition.



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3. We find that SA before the Debts Recovery Tribunal is still pending and what has brought the petitioner before this Court is the delay in conclusion of proceedings by the Debts Recovery Tribunal.

4. After going through the records, what emerges as an admitted position even according to the first respondent, is that the sale price which the bank has received after selling one of the mortgaged properties results in an excess amount of Rs.32,27,334/- in the hands of the bank. That means even if the SA is decided in favour of the petitioner, in any case, excess amount shall remain in the hands of the bank.

5. The purpose and object of keeping a secured asset is to realise the loan and towards discharge of loan liability. Once the petitioner has deposited huge amount, we do not find any justification in retaining the title deeds of other property which has not been sold, irrespective of the result of pending SA. This is so because even if it is assumed that SA is allowed, it may only result



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in refund of Rs.31.00 lakhs to the auction-purchaser. In that event also, as the amount of refund is more than Rs.32.00 lakhs, in any case, there would be no need for selling the other property which was mortgaged.

6. Even though the petitioner has not filed any specific application to that effect before the Debts Recovery Tribunal and we are in agreement with the submission of learned counsel for the respondent bank that, that would have been the ordinary course of action for the petitioner, we find no justification in retaining the title deeds of the other property. Therefore, without commenting upon the merits of the pending case before the Debts Recovery Tribunal, exercising our extraordinary jurisdiction conferred under Article 226 of the Constitution of India, we direct the bank to return the title deeds of the land (Item 1 - admeasuring 5300 sq.ft. plot) to the petitioner.

7. However, the petitioner shall not make any claim of the amount which has already been deposited by him and that



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adjustment will have to be made only by the Debts Recovery Tribunal depending upon the outcome of the pending case.

8. We also direct the Debts Recovery Tribunal to expeditiously dispose of the SA, in view of the pronouncement of the Hon'ble Supreme Court in the case of *Indian Overseas Bank v. Radhey Infra Solutions (Pvt.) Ltd and others*¹

9. The writ petition is, accordingly, allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.10.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:
The Authorised Officer
Union Bank of India,
P.B.No.8, 235, Oppanakara Street,
Coimbatore- 641 001

¹ 2025 SCC OnLine SC 2199



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THE HON'BLE CHIEF JUSTICE
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