



Writ Petition No.2879 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2879 of 2024

and

W.M.P.No.3119 of 2024

P.Radhakrishnan

S/o.A.P.Nair

... Petitioner

Vs.

1.State Bank of India,
(Previously known as State Bank of
Bikaner and Jaipur),
represented by its Chief Manager,
Oppanakara Street,
Coimbatore - 641 001.

2.Union Bank of India,
Main Branch, 235, Oppanakara Street,
Coimbatore - 641 001.

3.N.Rajendran

4.G.Bhaskar

S/o.Govarthan

... Respondents

[R2 to R4 are *suo motu* impleaded
as per order dated 07.04.2025 in
W.P.No.2879 of 2024]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents herein to handover to the petitioner expeditiously, the original title deeds



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and documents bearing Document No.388/1982 which was given as security to the respondent bank, relating to the petitioner's property situated at Coimbatore Registration District, Gandhipuram Registration Sub-District, Coimbatore Taluk, Velankurichi Village, G.S.No.435, Dry Acres 5-02.

For Petitioner : Mr.R.Vidhya Shankar

For Respondents : Mr.K.Chandrasekaran [R1]
Mr.Bhagavath Krishnan [R2]

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent bank to handover the original title document to the petitioner with respect to the subject property.

2. The specific stand taken by the petitioner is that the entire amount that is due and payable to the first respondent bank has been paid. Further, the petitioner had taken loan from the second respondent bank also and this loan amount was also settled by the petitioner. The said fact was recorded by this Court in W.P.No.26734 of 2023 dated 04.10.2023. Under such circumstances, the petitioner is seeking for the return of the original documents.

3. Learned Standing Counsel appearing on behalf of the first



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respondent bank submitted that during the interregnum, out of the total extent of 2 acres, 25 cents was sold through auction sale in favour of a third party. This dispute is now pending before the Debt Recovery Tribunal, Coimbatore, in Appeal No.3 of 2009. Learned Standing Counsel, therefore, submitted that till that dispute is resolved, the first respondent bank cannot handover the entire title document to the petitioner.

4. In the considered view of this Court, the dispute with respect to 25 cents of land that was sold in favour of the third party is pending before the Debt Recovery Tribunal, Coimbatore, in Appeal No.3 of 2009. Hence, it will be left open to the petitioner to seek for return of the original documents before the Debt Recovery Tribunal in the pending proceedings. If the proceedings goes in favour of the petitioner, as a consequence, the Tribunal itself can direct the bank to handover the entire original documents. On the other hand, if the sale made in favour of the auction purchaser to the extent of 25 cents is confirmed, the petitioner will be entitled for the balance extent and at which point, the Tribunal itself can clarify with respect to the handing over of the original

N.ANAND VENKATESH, J



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documents. Except giving this liberty and clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

13.08.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1.The Chief Manager,
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