



W.P.No. 5170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 5170 of 2025

U.BASKAR

... Petitioner

Vs

1. THE ZONAL MANAGER,
INDIAN BANK,
NO. 4, AVR TOWER,
3RD FLOWER, BHARATHI ROAD,
CUDDALORE - 607 001.
2. THE MANAGER,
INDIAN BANK,
SRIMUSHNAM,
CUDDALORE DISTRICT - 608 703.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to consider the representation letter dated 21.08.2024 to respondent-R2 and 04.09.2024 to respondent-R1 and consequently direct the respondents R1 and R2 to return all the documents given as security towards the loan in Loan No. 897686100 and also return the insurance amount of Rs.25,000/- (HDFC- Pondy).



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For Petitioner : Ms.S.Thankira

For R1 & R2 : Mr.Kalyanaraman

ORDER

This writ petition has been filed with a prayer to direct the second respondent to consider the petitioner's representation dated 21.08.2024 and to direct the first respondent to consider the petitioner's representation dated 04.09.2024 and consequently, direct the respondents to return all the documents given as security towards the loan in Loan No. 897686100 and also return the insurance amount of Rs.25,000/- (HDFC- Pondy).

2. When the matter came up for hearing, *Mr.Kalyanaraman*, the learned counsel appearing on behalf of the respondents submitted that, as far as the sum of Rs. 25,000/- is concerned, the premium amount was not received by the bank. If it was paid directly to HDFC, it is for the petitioner to claim it from HDFC.



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3. As far as the loan documents are concerned, he would submit that it is true the loan amount was duly discharged as of the year 2017 and efforts were made to trace the documents. However, it has been found that the documents are lost. The bank has already informed the concerned police authority and the Sub-Registrar about the loss of the documents. They will issue an NOC, which will also be registered and a certified copy will be obtained from the Sub-Registrar and handed over to the petitioner. The said exercise will be completed within eight weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.

4. The learned counsel appearing for the petitioner would submit that the petitioner has been making continuous representations and the bank did not inform that the documents were lost. Therefore, she contended that the petitioner should also be entitled to the statutory compensation as fixed by the Reserve Bank of India at the rate of Rs. 5,000/- per day.



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5. Firstly, no such prayer has been made in the writ petition. Secondly, the period of delay should have been specifically pleaded. Therefore, keeping open the remedy for the petitioner to make a claim for compensation in the manner known to law and recording the undertaking given by the bank that they will take the steps as indicated in the previous paragraph, this writ petition stands disposed of. No costs.

28.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE ZONAL MANAGER,
INDIAN BANK,
NO. 4, AVR TOWER,
3RD FLOOR, BHARATHI ROAD,
CUDDALORE - 607 001.
2. THE MANAGER,
INDIAN BANK,
SRIMUSHNAM,
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nsI

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