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WP.No.19880 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP.No.19880 of 2016

M.Umpathy,

Petitioner

Vs

1.The General Manager (Incharge),
George Town Co-operative Bank,
No.2/62, Krishnappa Agraharam Street,
Chennai-79.

2.The Joint Registrar of Co-Operative Societies,
M.V.Natarajan Maaligai,
No.170, Periyar E.V.R.Road,
Kilpauk, Chennai-10.

3.Tmt.M.Kuppammal,

4.Tmt.S.Rathika,

5.M.Rajesh,

6.M.Durai Babu,

7.M.Perumal,
(Since Missing), S/o.K.Munuswamy.



8.Mr.Dilli Babu,

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9.Tmt.Sundari,

W/o.Late Mr.Ramu,

No.293, P.B.Garden, Aminjikarai,

Chennai-600 029.

(R3 to R9 are impleaded as per order dated

28.03.2025 in WMP.No.10776 of 2017 in

W.P.No.19880 of 2016)

...Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records in respect of the letter of the first respondent dated 22.04.2016, quash the same and consequently directing the first respondent herein to release the title deed of the petitioner's grandmother Tmt.Nagammal which is mortgaged under loan A/c No.9510 of the respondents and pass such further orders.

For Petitioner(s): M/s.M.Baskaran

For Respondent(s): M/s.S.Ravi for R1

Mr.B.Tamil Nidhi,
Additional Government Pleader
for R2

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the letter of the first respondent



dated 22.04.2016, quash the same and consequently directing the first

respondent herein to release the title deed of the petitioner's grandmother

Tmt.Nagammal which is mortgaged under loan A/c No.9510 of the respondents.

2. The petitioner is the grandson of Tmt. Nagammal, who owned a house property at Door No.94 (Old No.58), Market Lane, Santha Narayanan Koil Street, Kalmandapam, Royapuram, Chennai – 13, measuring about 400 sq.ft. During her lifetime, Nagammal had mortgaged the property and availed a loan under A/c No.9510 from the respondent bank. After her death on 05.07.2006, her legal heirs were Mr. Perumal, Mrs. R. Sundari, and Mr. M. Mohan (the petitioner's father). Mr. Mohan passed away on 09.11.2010, and Mr. Perumal went missing in 2011 (FIR No. 747/2011 dated 11.06.2011). The petitioner and his family settled the entire loan amount and also paid Rs.5 lakhs as amicable settlement to Dillibabu (Perumal's son) and Tmt. Sundari, who thereafter gave their no objection for releasing the title deed. Despite submitting all supporting documents and offering to execute an indemnity bond, the bank refused to release the title deed, citing the need to protect the interest of the missing legal



heir. The petitioner's request was formally rejected by letter dated 22.04.2016.

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3. The learned counsel for the petitioner contends that the refusal to release the title deed despite full loan repayment, submission of legal heir certificates, FIR copy, no objection letters from surviving legal heirs, and willingness to provide an indemnity bond is arbitrary and unjust. He argues that the interests of all heirs, including that of the missing Mr. Perumal, have been sufficiently addressed, especially since his son Dillibabu has given no objection. He asserts that the impugned order dated 22.04.2016 is illegal and contrary to law and seeks a writ of certiorarified mandamus to quash the same and direct the respondent to release the original title deed of the mortgaged property.

4. Learned counsel appearing for the petitioner submits that the loan borrowed by Nagammal, grandmother of the petitioner, who passed away, leaving behind three legal heirs -the petitioner's father, his uncle, and his aunt. The petitioner's uncle went missing in the year 2011, and an FIR is also pending before the respondent police in this regard. He further states that petitioner's father also passed away. A dispute arose among the legal heirs with respect to a



1/3rd share in the property, including the petitioner's uncle. Subsequently, the

petitioner jointly paid a sum of Rs.5 lakhs, and the loan amount due on the land

was cleared in the year 2008.

5. It is further submitted that the loan borrowed by the petitioner's grandmother, Nagammal, was fully settled in 2008, and the legal heirs of Nagammal made a representation to the respondents seeking return of the original title deed of the property. However, the same has not yet been handed over to the petitioner. Hence, the present writ petition has been filed.

6. Learned counsel has also filed a no-objection affidavit along with an indemnity bond dated 23.04.2025, which has been served to the learned counsel appearing for the first respondent, as well as the learned Additional Government Pleader appearing for the second respondent.

7. Heard both sides and perused the materials available on record.

8. In the present case, the loan was borrowed by the petitioner's grandmother, Nagammal, who is now deceased. Her husband and the



petitioner's father are also no more. The legal heirs include two sons and one daughter. An indemnity bond has been executed by Perumal, the son of the missing son, along with an affidavit dated 24.04.2025 by the legal heirs of the deceased, Nagammal.

9. In view of the above, **the first respondent is directed to return the original documents mortgaged by the petitioner's grandmother, Nagammal, to the petitioner, namely M.Umapathy, within a period of eight weeks from the date of receipt of a copy of this order.**

In the result, the **writ petition stands disposed of with the above observations and direction.** No costs.

25.08.2025

dpq/cda

Index: Yes/No

Speaking/Non-speaking order



To

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N. MALA, J.

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