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W.P.No.12681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.12681 of 2024

Southern Housing Corporation Limited
Rep. by Chairman, R.Marimuthu
Having Office at No.12/10,
Sarojini Street, T. Nagar,
Chennai - 600 017.

Petitioner(s)

Vs

The Chief Manager
Indian Bank
(the then Allahabad Bank)
George Town Branch
Thambuchetty Street
Chennai - 600 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to return the original sale deed documents given by petitioner as collateral security for which full and final settlement has been paid as per the order of DRT-II, Chennai.



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For Petitioner(s): Mr.R.Harinath

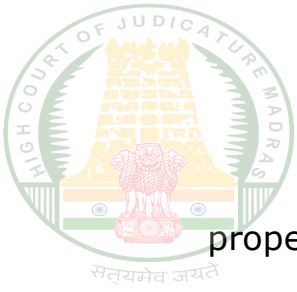
For Respondent(s): Mr.Jayesh B.Dolia,
Senior Counsel
for Mr.P.Britto

ORDER

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

Today when the matter comes up for consideration, learned Senior Counsel appearing for the bank would inform the court that the original title deeds, which were earlier missing, have now been traced.

2. Learned Senior Counsel for the bank, however, brings to the notice of the court an order dated 4.8.2014 passed by the Debts Recovery Tribunal-II, Chennai, in I.A.No.337 of 2012 in O.A.No.174 of 2004 (*Allahabad Bank v. P.Sathya Narayanan and others*), wherein the Debts Recovery Tribunal has clearly ordered and clarified that one who deposited the title deeds as mortgage to get the loan from the bank, only the mortgagor, has the right to receive the title deeds after entire payment of loan. He would, therefore, submit that, as the present petitioner is not the title holder of the



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property, it may not be possible for the bank to hand over these title deeds to the petitioner, unless the aforesaid order passed by the Debts Recovery Tribunal is modified.

3. On a careful reading of the order passed by the Debts Recovery Tribunal on 4.8.2014, it is clear that one who has deposited the title deeds is entitled to receive the same from the bank.

4. Learned Senior Counsel for the bank would not dispute that these title deeds were deposited with the bank by the petitioner.

5. Therefore, in these circumstances, the title deeds have to be returned to the person who deposited the titled deeds. Accordingly, the bank shall forthwith return the documents stated in Schedules A to K, filed in Debts Recovery Tribunal-II, Chennai, and deposited by the borrower [*Southern Housing Corporation Limited*].

6. The bank shall ensure that handing over of the title deeds



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and other documents takes place as expeditiously as possible,
preferably within ten days from today.

Writ petition is disposed of accordingly. There shall be no
order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
08.10.2025

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

The Chief Manager
Indian Bank
(the then Allahabad Bank)
George Town Branch
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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