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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 13405 of 2025

1. K.Vishwaraj

2.M Selvakumar

3. Meera

Petitioner(s)

Vs

The Branch Manager,
Karur Vysya Bank,
Overseas Branch,
No. 315 1/F,
Kumaran Road,
Tirupur,
Tirupur District - 641 601.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to hand over all the



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original documents in respect of the property bearing SF No.217/1 punjai acres to an extent of 1.09 1/4 acres within the stipulated time as may be fixed by this Court.

For Petitioner(s): Mr.C.Prabakaran

For Respondent(s): Mr.A.Arun Babu,

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondent Bank to handover all the original documents in respect of the property bearing SF No.217/1 punjai acres to an extent of 1.09 1/4 acres.

2.Heard Mr.C.Prabakaran, learned counsel appearing on behalf of the petitioners and Mr.A.Arun Babu, learned counsel appearing on behalf of the respondent.

3.The case of the petitioners is that the property was originally owned by the Muthuswamy Gounder and he executed a Sale Deed in favour of six persons in the year 2007 which was registered as Document No.459 of 2007. They



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availed a loan and executed Memorandum of Deposit of Title Deeds in favour of the respondent which was registered as Document No.1587 of 2008. During the subsistence of the mortgage, a general Power of Attorney was issued in favour of Balakrishnan, Velmurugan and Veerakumar and this document was registered as Document No.478 of 2008. This covered the undivided share in the property. The power agent, executed a Sale Deed in favour of S.Chinnasamy on 27.05.2010 which was registered as Document No.7617 of 2010. The said Chinnasamy executed a Sale Deed in favour of one Kumaravelu in the year 2010 and the said Kumaravelu executed a sale deed in favour of the petitioners in the year 2014 which was registered as Document No.4539 of 2024 and an extent of 0.72.7/8 acres.

4.The further case of the petitioners is that they have paid the entire loan amount to the respondent and the respondent also issued a letter dated 05.03.2015 in this regard. On 25.11.2024 itself the share of Kumaravelu was also sold in favour of the 1st petitioner. Thereby, out of six loan applicants, four



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applicants sold their land to the 1st petitioner and insofar as the balance two shares, the petitioners are holding Power of Attorney Document. It is under these circumstances, the petitioners requested for cancellation of the Memorandum of Deposit and for return of the documents. Since the same was not considered, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the original owners who had received the loan have parted with the property and the property has changed hands. Therefore, some clarity is required for the respondent to release the document. In such an event, the petitioners will have to make a representation to the respondent and the respondent can call the petitioners for an enquiry and also those persons who had executed the Memorandum of Deposit of Title Deeds in favour of the bank. Ultimately, the respondent Bank can take a decision regarding the handing over of the original title deed after the cancellation of the Memorandum of Deposit. Hence, the petitioners shall make a representation before the respondent and respondent shall act upon the same and



take a decision, within a period of eight weeks from the date of receipt of the
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representation from the petitioners.

6.This writ petition is disposed of with the above directions. No Costs.

27-06-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

SSR



6/7

WP No. 13405 of 2025

WEB COPY

To

The Branch Manager,
Karur Vysya Bank,
Overseas Branch,
No. 315 1/F Kumaran Road,
Tirupur, Tirupur District



WEB COPY



7/7

WP No. 13405 of 2025

N.ANAND VENKATESH J.

SSR

WP No. 13405 of 2025

27-06-2025

(2/2)