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Cont.P.No.2641 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.2641 of 2025

K.Machekendran

... Petitioner

Vs.

Shenbagaraman
Branch Manager,
Indian Bank,
Kattumannarkoil Branch,
Kattumannarkoil,
Cuddalore District – 608 301.

... Respondent

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for wilful disobedience of the order made in W.P.No.15776 of 2024 dated 19.06.2024 by this Court under Section 11 of the Contempt of Courts Act, 1971.

For Petitioner : Mr.G.Pugazhenth

For Respondent : Mr.T.Sundar Rajan

Mr.V.J.Prijadarsana
Government Advocate (Crl. Side)



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ORDER

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This Contempt Petition has been filed to punish the respondent for non compliance of the order dated 19.06.2024, passed by this Court in W.P.No.15776 of 2024, thereby directing the respondent to consider the request made by the petitioner and to cancel the mortgage deed and also to return the original titled deed in favour of the petitioner, within a period of four weeks.

2. The petitioner had purchased a house plot by the registered sale deed dated 12.10.1998 registered vide document No.1237 of 1998. Subsequently, the petitioner availed loan by mortgaging the said property with the respondent and the mortgage deed dated 07.06.2011 was also registered vide document No.1365 of 2011. Thereafter, the petitioner settled the entire loan amount and even then, the respondent failed to return the original title deed dated 12.10.1998. Therefore, the petitioner filed petition in W.P.No.15776 of 2024 and this Court by an order dated 19.06.2024 directed the respondent to consider the request made by the petitioner and to cancel the mortgage deed and also to return the original title deed.



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3. The learned counsel appearing for the petitioner submitted that after settlement of the entire loan amount, though the mortgage deed was cancelled and the respondent did not return the original title deed. Therefore, the petitioner filed this contempt petition for disobeying the order passed by this Court.

4. The learned counsel appearing for the respondent bank submitted that the original deed was missing from the respondent custody.

5. Therefore, this Court directed the respondent/bank to lodge complaint before the Inspector of Police, Kattumannarkoil, Cuddalore District for issuance of Non Traceable Certificate, so that the petitioner can apply for a certified copy of the original title deed to deal with the property. Accordingly, the respondent bank lodged complaint and on receipt of the complaint, the Inspector of Police, Kattumannarkoil, Cuddalore District, conducted enquiry. During the investigation, it is revealed that prior to the cancellation of the mortgage deed by the respondent bank, the petitioner



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executed a settlement deed in favour of his wife on 03.05.2018, registered vide document No.1060 of 2018 before the Sub Registrar, Kattumannarkoil.

Subsequently, the petitioner's wife mortgaged the said property to one Parimelazhagan, vide document No.2178 of 2018 dated 14.09.2018 and obtained loan to the tune of Rs.2,00,000/-. The Investigating Officer also recorded the statement from the Sub Registrar, who registered the settlement deed executed by the petitioner and also one Parimelazhagan, who had lent loan to the petitioner's wife by mortgaged the settlement deed.

6. Today, the Investigation Officer appeared before this Court and produced the statements recorded from the witnesses before this Court. On perusal of the statements, it is revealed that the petitioner was working in the very same respondent bank as Clerk and he had taken the original title deed, which was mortgaged with the respondent without the knowledge of the respondent bank. On production of the original deed, he had executed the settlement deed in respect of the very same property in favour of his wife and registered the same vide document No.1060 of 2018 dated 03.05.2018. Subsequently, the petitioner's wife mortgaged the property in favour of one



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Parimelazhagan on 14.09.2018 and same was registered vide document No.2178 of 2018 and availed loan to the tune of Rs.2,00,000/-. Though the respondent bank had cancelled the mortgage deed registered vide document No.1365 of 2011, the respondent could not return the original title deed since it was already taken by the petitioner.

7. That apart, the petitioner involved in another case in Crime No.206 of 2024 for the offences punishable under Sections 120B, 380, 420, 506(i) of IPC and it is under investigation on the file of the Inspector of Police, Annamalainagar Police Station. Further, the petitioner is an accused in S.T.C.No.223 of 2020 on the file of the learned Judicial Magistrate No.II, Chidambaram, for the offence punishable under Section 138 of the Negotiable Instruments Act. In that case, the petitioner failed to appear before the trial Court and as such the trial Court issued Non Bailable Warrant. The jurisdiction police viz., the Inspector of Police, Kattumannarkoil Police Station, executed the warrant by arresting the petitioner and remanded him to judicial custody. Now the petitioner is confined in Central Prison, Cuddalore.



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WEB COPY 8. Considering the above facts and circumstances, no contempt is made out as against the respondent. However, the Inspector of Police, Kattumannarkoil Police Station, is directed to register the FIR on the complaint lodged by the respondent bank as against the accused persons and proceed with investigation in accordance with law.

9. Accordingly, the Contempt Petition stands dismissed.

29.10.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

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1. The Branch Manager,
Indian Bank,
Kattumannarkoil Branch,
Kattumannarkoil,
Cuddalore District – 608 301.
2. The Inspector of Police,
Kattumannarkoil,
Cuddalore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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