



W.P.No.33892 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33892 of 2025

S.Sumithra

... Petitioner

Vs

1.The Collector,
Office of Collectorate
Chengalpet District,
Chengalpet.

2. The Chief Manager,
State Bank of India, RACPC Tambaram,
Satheesh Paradise, No.388, Velachery Main Road, Selaiyur,
No.388, Velachery Main Road, Selaiyur,
Tamil Nadu-600 073.

3.The Manager,
State Bank of India, Padur Branch,
Padur, Chengalpet District.

4.P.S.Hari Prasath

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd Respondents to consider the representation dated 24.06.2025 and remainder 07.07.2025 in order to produce the original sale deed document No.1825 of 2018 dated 26.02.2018 for verification at the time of executing the release deed to be executed by the 4th respondent.



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For Petitioners : Mr.J.Ramesh
For Respondents : Mrs.S.Anitha,
Special Government Pleader
For R-1
: Mr.R.Balasubramanian
For R-4

ORDER

This Writ Petition has been filed seeking a direction to respondents 2 & 3 to consider the representation dated 24.06.2025 and reminder letter 07.07.2025 of the petitioner seeking to furnish the original sale deed for the purpose of executing the release deed.

2. Mrs.S.Anita, learned Special Government Pleader takes notice on behalf of the 1st respondent and Mr.R.Balasubramanian, learned counsel takes notice on behalf of the 4th respondent.

3. Since no adverse order is being passed as against respondents 2 & 3, notice to respondents 2 & 3 is dispensed with.



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4. Brief facts that are necessary for the disposal of this Writ Petition are:-

The petitioner herein is the wife of the 4th respondent/husband. It is the case of the petitioner that the petitioner and her husband purchased a property by availing home loan from the 2nd and 3rd respondent bank for a sum of Rs.30,00,000/-. However, due to a dispute between the petitioner and the 4th respondent, the petitioner filed a petition for divorce which is pending before the Principal Family Court, Chennai. Pending the same, the petitioner and the 4th respondent arrived for a settlement and decided to file a Joint Petition under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Chennai wherein, the 4th respondent had undertaken to release and relinquish his right over the above said property. Since, it is necessary to produce the original sale deed for executing the Release Deed, the petitioner and her husband made a representation dated 24.06.2025 before the respondents 2 & 3 requesting to release the original sale deed for the purpose of executing the release deed. Since, the same was not considered, the petitioner had sent a reminder letter dated 07.07.2025 however, the same has not considered so far. Hence, the present Writ Petition.

5. Though very many grounds have been raised, learned counsel for the



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petitioner submitted that, it would suffice, if this Court issues a direction to the respondent bank to consider the petitioner's reminder letter/representation dated 07.07.2025 and pass appropriate orders on the same in accordance with law within the time that may be stipulated by this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioner has availed loan from the 2nd and 3rd respondent bank to the tune of Rs.30,00,000/- for purchasing a property and that the petitioner and the 4th respondent have jointly filed a petition under Section 13-B of the Hindu Marriage Act, 1955. The grievance espoused by the petitioner is that though her husband who has been arrayed as the 4th respondent herein is ready and willing to relinquish his share of the property, he is unable to do so when the original sale deed is under the custody of the respondent bank. Hence, the petitioner has addressed a representation seeking release of the original sale deed.

7. However, this Court is of the view that, mere execution of release deed cannot be a convincing reason for release of original sale deed even before repaying the entire loan amount. Therefore, this Court cannot issue any affirmative direction to the respondent bank for release of original sale deed. Hence, the relief sought for by the petitioner cannot be acceded to and this Writ



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Petition deserves to be dismissed.

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8. For the reasons aforesaid, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index: Yes/No

Internet: Yes

Speaking/Non-Speaking order

Nhs

To

The Collector,
Office of Collectorate
Chengalpet District,
Chengalpet.

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M.DHANDAPANI, J.

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