



W.P.(MD).No.444 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.444 of 2025

S.Balaji

... Petitioner

Vs.

1.The Manager / Authorized Officer,
Central Bank of India,
No.6, 1st floor,
Thirumukkulam North Street,
Near Perumal Kovil,
Thallakulam,
Madurai-625 002.

2.The Sub registrar of Joint-1,
Madurai North Sub Registry,
Madurai.

3.The District Registrar,
Ramanathapuram.

... Respondents

*(Respondents 2 and 3 are suo-motu impleaded vide
Court order dated 23.01.2025 made in W.P.(MD)No.444
of 2025)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to return all the documents including the original documents given to the respondent at the time of execution of MOD



W.P.(MD).No.444 of 2025

dated 20.05.2018 including the original sale deed dated 31.01.2018 by following the guidelines issued by RBI based on the petitioner's representation dated 16.11.2024 within the time limit fixed by this Court.

For Petitioner : Mr.N.Tamilmani
For R-1 : Mr.C.Deepak,
Standing counsel
For R-2 : Mr.S.Kameswaran,
Government Advocate

ORDER

Heard the learned counsels on either sides and carefully perused the materials available on record.

2.This writ petition is filed seeking to direct the respondent to return all the documents including the original documents given to the respondent at the time of execution of MOD dated 20.05.2018 including the original sale deed dated 31.01.2018 by following the guidelines issued by Reserve Bank of India, based on the petitioner's representation dated 16.11.2024 in this regard.

3.When the matter was taken up for hearing the learned standing counsel Mr.C Deepak appearing for the 1st respondent Bank



W.P.(MD).No.444 of 2025

fairly conceded that the sale deed bearing document No.302 of 2018 has been misplaced and could not be traced out by the respondent bank despite diligent initiatives taken by the staffs of the bank to trace the misplaced document. He also submitted that a police complaint in this regard was also lodged by the bank authorities as to the lost document. Even after such efforts, the document could not be traced. However, they don't have any impediment in returning all the other available original documents which they have in relation to the mortgage executed by the petitioner in favour of the respondent bank.

4.The learned counsel, Mr. N.Tamilmani appearing for the petitioner drew my attention to the notification issued by the Reserve Bank of India, dated 13.09.2023, in which clause 6 makes it clear that in case of delay in releasing original movable/immovable property documents after full satisfaction of loan then the bank authority shall communicate to the borrower the reason for such delay and in case if the delay is attributable to the bank, the bank should compensate the borrower at a rate of Rs.5000/- for each day of delay. He further drew my attention to clause 7 of the aforesaid



W.P.(MD).No.444 of 2025

WEB COPY

notification in which it is made clear that in case of loss / damage to original movable/immovable property documents, in that case the bank should assist the borrower in obtaining duplicate / certified copies of the movable / immovable property documents and shall bear the associated costs in addition to paying compensation as indicated in Para 6. However, in such cases, an additional time of 30 days will be available to the bank to complete this procedure and the delay period will be calculated after a total period of 60 days.

5.This Court appreciating the said notification is of the considered view that the Bank should take diligent steps forth with to take necessary steps to reconstruct the lost documents in this regard.

6.This Court hereby Suo-motu implead the Sub registrar of Joint-1, Madurai North Sub Registry as 2nd respondent and the District Registrar, Ramanathapuram, as 3rd respondent. Registry is directed to carry out the necessary amendments in the cause title.



W.P.(MD).No.444 of 2025

7.The second respondent shall register the order of this Court in this writ petition pertaining to the subject property of the sale deed bearing document No.302 of 2018 dated 31.01.2018 on the file of the second respondent declaring that the document bearing No. 302 of 2018 on the file of the second respondent dated 31.01.2018 has gone missing and the second respondent is further directed to issue a certificate indicating that the said title document has been lost. This document is likely to be issued by the 2nd respondent could be utilized by the petitioner as duplicate along with the certified copy of the said document to be treated as original document.

8.After following the said exercise, the 2nd respondent is directed to forward a copy of the said proceedings to the 3rd respondent for maintaining the same in the records within a period of two (2) weeks. Further the 1st respondent is directed to pay a compensation of Rs.50,000/- to the petitioner in this regard.

9.With the above directions, this writ petition is allowed.

23.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



W.P.(MD).No.444 of 2025

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WEB COPY



W.P.(MD).No.444 of 2025

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.444 of 2025

23.01.2025