BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.13689 of 2024

M.Sakthivel ... Petitioner

Vs.

1.The Reserve Bank of India,
Represented by its Regional Director,
Fort Glacis, No.16, Rajaji Salai,
Chennai-600 001.

2.Union Bank of India (E.ANDHARA BANK)
Salai Road Branch,
No.100A Ground Floor, Naveen Plaza,
Woraiyur, Trichy-620 003.

3.Union Bank of India (E.ANDHARA BANK),
ARB Madurai, Rosary Church Building,
Town Hall Road, Madurai.

4.Union Bank of India FGMO Chennai,
3rd Floor, 139, Broadway,
Union Bank of India Chennai,
Tamilnadu-600 108.

5.Union Bank of India - Central Office,
Ground Floor, 239, Vidhan Bhavan,
Marg, Nariman Point, Mumbai,
Maharashtra-400 021. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to return back the petitioner's all original title deeds deposited in respect of loan Account No.019831100000593 and to issue no due certificate in respect to the above said loan account by consider the petitioner's representation dated 15.06.2024.

For Petitioner	: Mr.K.Arunraj
For R1	: Mr.K.R.Laxman Standing Counsel
For R3	: Mr.V.Balasubramanian Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents 1 & 3.

2. The learned counsel for the petitioner submitted that the petitioner had obtained business loan on 28.01.2017 by offering an immovable property as a collateroal security. It is submitted that the entire loan has been repaid on 23.11.2023, thereafter, the petitioner has also been paid the necessary charges for cancellation of the mortgage before the second respondent. However, the second respondent Bank refusing to hand over the title deed deposited by the petitioner at the time of taking loan from the second respondent bank.

3. The learned counsel for the respondents/Bank would submit that the second respondent during the inspection, as ordered by the Reserve Bank of India, it was noticed that the petitioner had taken the loan and diverted the loan for the purpose other than the purpose the loan was sanctioned and therefore, the loan has been labled as fraudulent. It is therefore submitted that under these circumstances, the request of the petitioner in terms of the representation has not been considered for return of the title deeds, which was offered as collaterol purpose at the time of taking loan.

4. The learned Standing counsel appearing for the first respondent on instructions would submit that the first respondent has not given any directions to the second respondent to retain the title deeds of the petitioner.

5. It is an admitted position that the entire loan amount has been discharged and necessary charges also collected for cancellation of the mortgage. Under these circumstances, there shall be a positive direction to the second respondent Bank to return the title deeds to the petitioner within a period of 30 days from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

09.07.2025

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

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C.SARAVANAN, J.

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