



W.P(MD)No.14621 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14621 of 2025

and

W.M.P(MD)No.10836 of 2025

U.Agnes Sheeba

... Petitioner

Vs.

1.The Regional Manager,
Reserve Bank of India,
Fort Glacis,
Chennai-600 001.

2.The Sub-Registrar,
Karungal Sub Registrar Office,
Kanyakumari District.

3.The Branch Manager,
Union Bank of India,
Karungal Branch,
18/B1, Seelam Complex,
Opposite to CSI Home Church,
Karumavilai,
Kanyakumari District-629 157.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings, dated 09.05.2025 on the file of



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the third respondent and quash the same as illegal and further directing the third respondent to cancel the memorandum of deposit of title deed in respect of the property in old Survey No.3640 and Re-Survey No.337/21 situated in Midalam A Village, Vilavancode, Kanniyakumari District measuring to an extent of 14.125 cents and consequently to release the original title documents to the petitioner forthwith and to pass such further or other orders as this Court.

For Petitioner : Mr.K.Jeyamohan

For R-2 : Mr.A.Kannan
Additional Government Pleader

For R-3 : Mr.V.Balasubramanian

ORDER

The present writ petition has been filed seeking to quash the order passed by the third respondent Bank, wherein it has informed the writ petitioner that unless the legal heirs of the borrower approached the Bank, they would not cancel the MOD or hand over the original title deeds.

2. According to the learned Counsel appearing for the petitioner, she is a decree holder in a money suit and the property is being brought to Court auction. Pending money suit, the judgment debtor has mortgaged the property



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with the Bank. However, she has already cleared the bank loan and the bank is also accepting the fact that the bank loan has been cleared. In the meantime, the borrower has passed away.

3. It is the contention of the third respondent Bank, unless the legal heirs of the borrower approached the Bank, they will not execute the cancellation of MOD or return the original title deeds. Aggrieved over the said order, the present writ petition has been filed.

4. It is not in dispute that the borrower has cleared the loan and the Bank is ready to execute cancellation of MOD. However, they are apprehensive of the fact that they cannot hand over the original title deeds to the writ petitioner unless the legal heirs appear in person and receive the same.

5. In view of the above said circumstances, this Court is inclined to pass the following order:

"a) The third respondent Bank is directed to execute cancellation of MOD before the second respondent.



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b) The Registered cancellation deed of MOD and the parent documents may be submitted to the custody of the Principal District cum Sessions Judge, Kanyakumari in E.P.No.6 of 2021 in O.S.No.142 of 2019 after obtaining due acknowledgment from the Court.

c) The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

d) The cancellation of MOD and the submission of the original title deeds before the Court shall be informed by the Bank as well as the writ petitioner herein to the legal heirs of the deceased borrower."

6. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

22.05.2025

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



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R.VIJAYAKUMAR, J.

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