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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7007/2023**

SUMITRA DEVI & ANR.

.....Petitioners

Through: Mr. Bhim Kishore & Mr. Shaksham
Kathuria, Advs.

Versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Adv.
Mr. Vivek Kumar Tandon, Ms.
Mamta Tandon, Ms. Prerna Tandon &
Ms. Shivani Ghosh, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.02.2025

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1. The matter is taken up today as 05.02.2025 was declared a holiday.
2. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to respondent no.2 / Registrar Co-operative Societies (RCS) to release the title documents of the property described as WZ-148, Harijan Colony, 80 sq. yds colony, Tilak Nagar, New Delhi-110018 in favour of the petitioners.
3. The petitioners state that petitioner no.2/Sudesh Kumar had availed of a loan from respondent no.3/Delhi Nagrik Sehkar Bank Ltd. on 17.03.2011 and furnished certain title documents (General Power of Attorney, Will, etc.) as collateral to secure the repayment obligations. The petitioners state that the loan availed by petitioner no.2 was fully discharged on 05.07.2018 and accordingly, the petitioners sought a No Objection Certificate (NOC) as well as return of original title documents furnished to secure the repayment of loan. However, the petitioners request was not acceded to.



4. It is stated that on 18.08.2021, the petitioners applied for certified copies of documents from the Sub-Registrar-II, District West, Government of NCT of Delhi. However, it is stated that none of the documents are found to be traceable.

5. The learned counsel appearing for the petitioners fairly states that the documents other than Will were not registered, therefore, in any view, the certified copies of the said documents are not available with respondent no.4.

6. The title documents are not returned to the petitioners as the same are now in the custody of an Administrator appointed by this court pursuant to an order passed in W.P.(C) No.7921/2016 captioned *Anil Kumar Gaur v. Reserve Bank of India & Ors.* The Administrator cannot return the documents in view of the order dated 07.12.2016 passed by the learned Single Judge in the said writ petition. We consider it apposite to reproduce the relevant extract of the said order. The same is reproduced below:

“CM 41039/2016 (by R-3 u/Sec.151 CPC for modification of the order dated 9.9.2016)

1. The present application has been filed by respondent No.3 praying *inter alia* for permission to release the original title deeds of collateral properties of the customers who have cleared their loan account as mentioned in para 6 of the application, with directions to the applicant to retain the original title deeds pertaining to the loan accounts for the years 2011 to 2014 in its own safe custody.

2. The Court is not inclined to grant the second relief prayed for. As for the first relief, in view of the submission made by learned counsel for the respondent No.2/Registrar Cooperative Societies that Mr. Ramesh Tiwari, a retired IAS Officer has been appointed as an Administrator of the



respondent No.3/Bank, it is deemed appropriate to permit the customers of the Bank, who have cleared their loan accounts to approach the Administrator with a request for release of their original title deeds. The said title deeds shall be released in favour of the customers on their submitting certified copies thereof obtained from the Office of the Registrar of Assurance and on filing an undertaking to the effect that they shall produce the original title deeds as and when directed. Similar procedure shall be followed in respect of any other borrower of the respondent No.3/Bank, who may approach the Administrator in future, for release of the original title deeds.

3. The application is disposed of.”

7. The learned counsel appearing for respondent no.1/Govt. of NCT of Delhi submits that he would require to obtain instructions as to how the documents can be returned to the petitioners as well as to such other similarly situated persons where the certified copies of the said documents are not available.

8. However, we do not consider it apposite to pass any such direction in the present petition as the issue regarding return of title documents is the subject matter of orders passed in W.P.(C) No.7921/2016.

9. However, we consider it apposite to grant liberty to the petitioners to make an application for return of the title documents in W.P.(C) No.7921/2016. Needless to state that if any such application is made by the petitioners, the same shall be considered by the learned Single Judge notwithstanding the petitioners not party to that writ petition.



10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

FEBRUARY 06, 2025

‘gsr’

Click here to check corrigendum, if any