

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944

WP(C) NO. 11535 OF 2022

PETITIONER:

MINIMOL S
AGED 42 YEARS
W/O.SUKHLAL, KUNNUVILA HOUSE
VAKKANADU, KOLLAM DISTRICT, PIN - 691509
BY ADVS.
C.UNNIKRISHNAN (KOLLAM)
VIJAYKRISHNAN S. MENON
UTHARA A.S
VIVEK NAIR P.

RESPONDENTS:

- 1 THE STATE BANK OF INDIA,
REPRESENTED BY CHAIRMAN & MANAGING DIRECTOR
MADAME CAMA ROAD, NARIMAN POINT , MUMBAI
MAHARASHTRA 400021
- 2 THE ASSISTANT GENERAL MANAGER, STATE BANK OF INDIA
STRESSED ASSETS RECOVERY BRANCH, LMS COMPOUND
OPP.MUSEUM WEST GATE, VIKAS BHAVAN P.O
THIRUVANANTHAPURAM - 695 033
- 3 THE CHIEF MANAGER, STATE BANK OF INDIA SARB
LAXMI, GANAPATHY KOVIL ROAD VAZHUTHACAD
THIRUVANANTHAPURAM - 695014
- 4 RESERVE BANK OF INDIA, MAIN BUILDING, P.O, BOX 901
SHAHID BHAGAT SINGH ROAD, MUMBAI- 400 001
REPRESENTED BY ITS GOVERNOR
- 5 UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE, CENTRAL SECRETARIAT,
NEW DELHI - 110001

SRI. TOM K. THOMAS (SC) R1 TO R3
SRI. S. MANU- ASGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of March, 2022

The petitioner is aggrieved by the action of the 1st respondent-Bank in not releasing the Title Deed of the mortgaged properties, though the petitioner has closed the entire loan account.

2. The petitioner states that the petitioner availed a housing loan from the 1st respondent-Bank. Subsequently, the petitioner repaid the entire loan amount. Ext.P1 is the Loan Closure Certificate. In spite of clearing the loan, respondents 1 to 3 are not releasing the Title Deed. The Title Deed is withheld on the basis of pendency of a criminal case.

3. The learned Standing Counsel representing respondents 1 to 3 submitted that there is a criminal case relating to the document in question and it is for the said reason that the Title Deed is not released.

4. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing respondents 1 to 3. In view of the nature of relief being granted in this writ petition, notice to respondents 4 and 5 is dispensed with.

5. It is an admitted position that the petitioner deposited the Title Deed with the State Bank of India for availing housing loan. The housing loan has been repaid in full and a Loan Closure Certificate is also issued. There is nothing on record to show that any of the criminal investigation machineries have called for or seized the Title Document of the petitioner.

6. In the circumstance, this Court is of the view that respondents 1 and 3 are bound to release the Title Deed to the petitioner, on conditions.

The writ petition is disposed of directing respondents 1 to 3 to release the Title Deed deposited by the petitioner for availing the loan which stands closed as per Ext.P1, within a period of two weeks on condition that the petitioner shall

produce the Title Deeds if any criminal investigation agency or any Court of law calls for the production of the same.

sd/-

N.NAGARESH
JUDGE

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APPENDIX

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE LOAN CLOSURE
CERTIFICATE DATED 10.02.2022 ISSUED BY
THE 2ND RESPONDENT BANK TO THE
PETITIONER |
| Exhibit P2 | TRUE COPY OF THE EMAIL REPRESENTATION
DATED 23.03.2022 OF THE PETITIONER TO
3RD RESPONDENT |
| Exhibit P3 | TRUE COPY OF EMAIL REPRESENTATION DATED
26.03.2022 OF THE PETITIONER TO 3RD
RESPONDENT. |