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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19360 of 2023

Thiruvengadam

...Petitioner

Vs

1. Chief Branch Manager,
Canara Bank,
No.51, Dindigul Main Road,
Palani,
Dindigul District.

2. The General Manager,
Regional Office,
Anna Salai,
Thenampettai,
Chennai - 600 018.

3. The Pappinaicken Valasu Primary,
Agricultural Co-operative Bank,
Oddanchathram Taluk,
Dindigul District.

(R3 is suo motu impleaded vide Court order dated 12.12.2025

in WP(MD)No.19360 of 2023)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to return back the original sale deed document No.180/1974 which mortgaged by the petitioner's father to the 1st respondent Bank and consequently direct the 1st respondent to clear Memorandum of Deposit of Title Deed (MOD).



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For Petitioner : M/s.I.Salaiyakhan
For Respondents : Mr.R.Anantharaj
Standing Counsel for R1
No appearance for R2 and R3

ORDER

The present writ petition has been filed seeking a mandamus directing the first respondent to return back the original sale deed document No.180/1974, which was mortgaged by the petitioner's father to the first respondent Bank and consequently directing the first respondent to clear the Memorandum of Deposit of Title Deeds(MOD).

2. According to the learned Counsel appearing for the writ petitioner, his father has created a mortgage on 20.08.1987 giving three original documents along with other revenue records for obtaining loan. Though the said loan was cleared in the year 1995, the first respondent's Bank has neither returned the originals nor cancelled the memorandum of deposit of title deeds. Hence, the present writ petition.

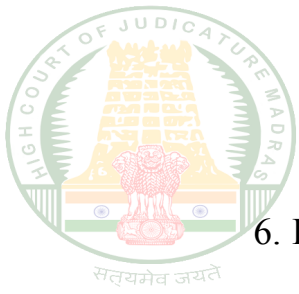
3. The learned Standing Counsel appearing for the first respondent by relying upon the counter submitted that at the time of creating a mortgage by deposit of title deeds, only the copy of 3 documents were submitted which are



mentioned in schedule 'A' of document No.567 of 1987. Therefore, the question of returning the original documents would not arise. He further submits that as far as the cancellation of memorandum of deposit of title deed is concerned, the first respondent Bank is ready to cancel the memorandum of deposit of title deeds.

4. I have considered the submissions made on either side and perused the materials available on record.

5. The loan has been cleared by the petitioner's father in the year 1995. A perusal of the Sub Registrar Office copy of the Memorandum of deposit of title deeds dated 20.08.1987 clearly reveals that 8 documents are mentioned in Schedule 'A' which are said to have been deposited with the Bank. Out of these 8 documents, 3 documents are registered documents. For all the 3 documents, only copies have been submitted and no original documents have been submitted. In such a view of the matter, it is clear that the question of returning of these documents would not arise. Further, the petitioner has mentioned that a sale deed in document No.180 of 1974 has to be returned.



6. However, a perusal of the memorandum of deposit of title deed reveals that document No.180 of 1974 is not a sale deed, but only a partition deed.

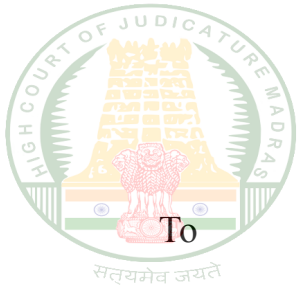
Therefore, it is clear that the question of returning the copies of the documents do not arise that too after a period of 30 years.

7. As far as the request by the petitioner for cancellation of the memorandum of deposit of title deed is concerned, there shall be a direction to the first respondent to execute the deed cancelling the memorandum of deposit title deed in document No.567 of 1987, dated 20.08.1987.

8. In view of the above said facts, this writ petition stands partly allowed and a direction is issued to the first respondent Bank to cancel the memorandum of deposit of title deeds dated 20.08.1987 in document No.567 of 1987. No costs.

17.02.2026

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



To

The Chief Branch Manager,
Canara Bank,
No.51, Dindigul Main Road,
Palani,
Dindigul District.



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R.VIJAYAKUMAR, J.

RJR

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