

(1999) 06 KAR CK 0006
In the Karnataka High Court
Case No : Writ Petition No. 7976 of 1998

Mahboob Khan

APPELLANT

Vs

Andhra Bank, Chamarajapet Branch, Bangalore

RESPONDENT

Date of Decision : 16-06-1999

Acts Referred:

Citation : (1999) 5 KarLJ 151

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Sri Younous Ali Khan and Assistants, for the Appellant; Sriyuths K.V. Vasanth and R.V. Naik, for the Respondent

Judgement

1. The petitioner availed a loan of Rs. 1.50 lakhs from the respondent-Bank by depositing the original documents of his property with a view to improve his business run under the name and style of Ashoka Steel Products. It is stated that the entire loan amount together with interest had been cleared of on 28-2-1989 and inspite of that the original documents have not been returned by the Bank. Annexure-A is the letter dated 28-2-1998 wrote by the Manager of the Bank to the Karnataka State Financial Corporation to the effect that they have no objection for sanctioning credit facilities to the firm of the petitioner and that they have no lien on the assets of the firm. Petitioner has produced Annexure-B, the letter dated 2-3-1998 written to the Bank requesting to return the documents. Inspite of that since the Bank had not returned the documents, the petitioner has approached this Court seeking a writ of mandamus to direct the Bank to return the original documents.

2. Learned Counsel appearing for the Bank has not disputed the facts stated in the writ petition. When the petitioner has cleared the entire loan amount, the respondent-Bank has no right to retain the documents furnished by the petitioner. In fact, a duty is cast upon the Bank to return the documents soon after clearance of the loan amount. In this case even after a demand was made by the petitioner as per Annexure-B, the Bank has not returned the documents.

The conduct of the officers of respondent-Bank are highly deplorable. In the circumstances, the petitioner is entitled for the direction sought for in this writ petition.

3. Accordingly, the writ petition is allowed. A direction is issued to the respondent-Bank to return the documents to the petitioner forthwith.