

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 30TH DAY OF NOVEMBER 2016/9TH AGRAHAYANA, 1938

WP(C).No. 33184 of 2016 (W)

PETITIONER(S):

**B.G.RADHAKRISHNAN,
(RETD. MUSIC TEACHER), AGED 60 YEARS,
S/O N. BHASKARAN, "NANDANAM", PARUTHITHARA,
OADANAVATTOM P.O, KOLLAM DISTRICT, PIN 691 512.**

BY ADV. SRI.P.A.ABDUL JABBAR

RESPONDENT(S):

- 1. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM PIN 691 009.**
- 2. THE DIRECTOR OF GENERAL EDUCATION,
DIRECTORATE OF GENERAL EDUCATION,
THIRUVANANTHAPURAM, PIN 695 001.**
- 3. THE SENIOR ADMINISTRATIVE OFFICER,
DIRECTORATE OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM PIN 695 014.**

BY SR.GOVERNMENT PLEADER SMT.K.R.DEEPA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 33184 of 2016 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE LOAN SANCTIONED PROCEEDINGS OF THE 3RD
RESPONDENT DATED 20-12-1999**
- EXHIBIT P2 TRUE COPY OF THE CHALLAN FORM NO 170 DATED 20-05-2004**
- EXHIBIT P3 TRUE COPY OF THE LETTER ISSUED FROM THE OFFICE OF THE
ACCOUNTANT DATED 04-08-2004**
- EXHIBIT P4 TRUE COPY OF THE LETTER ISSUED FROM THE OFFICE OF THE
ACCOUNTANT DATED 12-12-2012**
- EXHIBIT P5 TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER
TO THE 2ND RESPONDENT DATED 09-12-2013**
- EXHIBIT P6 TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT
SECRETARY DATED 19-12-2013**
- EXHIBIT P7 TRUE COPY OF THE NOTICE ISSUED FROM THE OFFICE OF THE 2ND
RESPONDENT DATED 21-10-2014.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

dlk

SHAJI P. CHALY, J.

W.P.(C) No.33184 of 2016

Dated this the 30th day of November, 2016

JUDGMENT

Petitioner was a Higher secondary School Teacher. As per Ext.P1 a housing loan of Rs.2,50,000/- was sanctioned to the petitioner under a Scheme launched by the Government to the Government servants. Petitioner has submitted all the required documents including his title deed for securing the loan. As per Ext.P1, the documents produced including the title deed are in the safe custody of the first respondent. Evident from Exts.P2 and P3, petitioner has repaid the entire loan amount. As per Ext.P4 letter dated 12.12.2012 from the Office of the Accountant General, it was intimated to the first respondent that, it has no objection in releasing the security documents to the petitioner. However, documents were not returned. Thereafter, petitioner has submitted Ext.P5 representation dated 9.12.2013. As per Ext.P6 Secretary to Government directed respondents 1 and 2 to take immediate action.

Thereafter petitioner was called for a personal hearing, evident from Ext.P7. Fact remains, the title deed was not returned to the petitioner along with other documents, evident from Ext.P1. These are the background facts persuaded the petitioner to approach this Court by filing this writ petition.

2. Heard learned counsel for the petitioner, learned senior Government Pleader and perused the documents on record and pleadings put forth.

3. The sole question to be decided is whether the petitioner is entitled to get the title deed back. The repayment of the entire loan amount is evident from Exts.P2 and P3 and Ext.P4 letter issued by the Office of the Accountant General shows that, the title document which was provided as security to the loan, can be returned to the petitioner. This letter is issued in the year, 2012. Thereafter, petitioner has made earnest efforts to secure the documents back. However, for reasons best known to the respondents, same was not released to the petitioner. Now, 4 years have

elapsed since Ext.P4 letter.

4. Therefore, I think a quietus is to be given to the whole issue. In that view of the matter, there will be a direction to the competent among respondents to return the title deed and other appended documents to the petitioner, evident from Ext.P1, within a month from the date of receipt of a copy of this judgment.

Writ petition is disposed of accordingly.

Sd/-

SHAJI P. CHALY, JUDGE

dlk/30/11/