

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**Writ Petition No.6078 of 2022**

**ORDER:**

The petitioner seeks a writ of mandamus declaring the action of 3<sup>rd</sup> respondent in not releasing Title Deeds of the petitioner's land purchased vide document No.5055/2007 in respect of Ac.0.20 cents of the land situated at Katamayi Road, Pandrangi Village, Visakhapatnam District which was deposited with 3<sup>rd</sup> respondent Bank as a security in spite of the bank's issuing No Due Certificate dated 05.07.2018 as illegal, arbitrary and for a consequential direction.

2. Heard Sri Kilaru Nithin Krishna, learned counsel for petitioner, and learned Assistant Solicitor General representing the 1<sup>st</sup> respondent, learned Government Pleader for Home representing the respondents 2 & 4, and Smt. V.Dyumani, Standing Counsel for 3<sup>rd</sup> respondent.

3. Learned counsel for petitioner submits that the petitioner stood as guarantor for loan obtained by M/s Omega Road Carriers which was redeemed and No Due Certificate dated 05.07.2018 was issued. However, the Title Deed bearing document No.5055/2007 of the petitioner has been detained by the bank without any justification much to his agony.

4. Learned Standing Counsel for 3<sup>rd</sup> respondent referring to her counter would submit that though the petitioner's loan account was closed and No Due Certificate was issued, however, in view of the

pendency of Cr.No.279/2017 on the file of Arilova Police Station, Visakhapatnam District, against the principal borrower and in view of the instructions of the police to detain the document for investigation, the Bank could not return the document No.5055/2007. Learned Standing Counsel would however submit that the Bank will abide by the order of the Court.

5. Learned Assistant Government Pleader for Home would submit that the investigation in Cr.No.279/2017 is still pending and the Investigating Officer obtained copy of the document No.5055/2007 and in case this Court orders for return of the original Title Deed, a direction may be issued to the petitioner that in case of the necessity he will produce document before the police.

6. In view of the above respective submissions, this Writ Petition is allowed and 3<sup>rd</sup> respondent Bank is directed to return the original Title Deed bearing document No.5055/2007 to the petitioner within two (2) weeks from the date of receipt of a copy of this order on proper acknowledgement. The petitioner is directed to produce the said Title Deed for the purpose of investigation as and when required by the police. No costs.

As a sequel, interlocutory applications, if any, shall stand closed.

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**U.DURGA PRASAD RAO, J**

30.04.2022

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