

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 2080 OF 2024

Between:

Smt. Bandaru Udayasri, W/o: Late Bandaru Bhanu Prakash, Aged about 38 years, Occ. Business, R/o H.No. 2-53/3, Raghavapur village, Bibinagar Manda, Yadadri Bhuvanagiri District.

...PETITIONER

AND

1. The Reserve Bank Of India, Rep.by its Manager, Office at 6-6-56, AG office road, Saifabad, Khairtabad, Hyderabad.
2. Unity Small Finance Bank, Office at Centrum House, CST Road, Vidyanagari Marg, Kolina, Santacruz (E), Mumbai. And having its local office at Flat No.306, III Floor, Lumbini Jewel Mall, Road No.2, Banjara Hills, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.2 in demanding further amount in pursuant to the loan account No. USFBHYDLOAN000005009101 in releasing the title deeds of house property vide H.No.1-195, admeasuring 150 square yards, situated at Raghavapur village, Bibinagar Mandal, Yadadri Bhuvanagiri District, is arbitrary and consequently direct the respondent No.2 release the title documents of the same.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 to release the title deeds of house property vide H.No.1-195, admeasuring 150 square yards, situated at Raghavapur village, Bibinagar Mandal, Yadadri Bhuvanagiri District pending disposal of the Writ Petition

Counsel for the Petitioner: SRI R. VENKATESHAM

Counsel for the Respondent No.2: SRI T. SASI KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.2080 OF 2024

ORDER:

This writ petition is filed seeking the following relief:

"....to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No 2 in demanding further amount in pursuant to the loan account No.USFBHYDLOAN000005009101 in releasing the title deeds of house property vide H.No.1-195, admeasuring 150 square yards, situated at Raghavapur village, Bibinagar Mandal, Yadadri Bhuvanagiri District, is arbitrary and consequently direct respondent No.2 release the title documents of the same..."

2. Heard the submissions of the learned counsel for the respective parties and perused the record.

3. The case of the petitioner is that her husband Late Sri Bandaru Bhanu Prakash obtained loan on 31.03.2023 vide loan account No. USFBHYDLOAN000005009101, for an amount of Rs.20,00,000/-, from respondent No.2-Bank by mortgaging title deeds of house property bearing H.No.1-195, admeasuring 150 square yards, situated at Raghavapur Village, Bibinagar Mandal, Yadadri Bhuvanagiri District and the said loan was also insured by policy, dated 28.04.2023. It is further case of the petitioner that her husband died on 19.05.2023 and the same was immediately informed to

respondent No.2-Bank. While the things stood thus, respondent No.2-Bank issued a legal notice, dated 05.07.2023 to the petitioner informing to pay the arrears/dues in respect of the said loan amount and soon after receiving the said notice, the petitioner has submitted her explanation. It is the further case of the petitioner that even after clearing the entire amounts through the insurance policy, respondent No.2 has refused to issue No Objection Certificate (NOC) to her and demanding to pay furthermore amounts for releasing the title deeds of the above said property.

4. A counter affidavit has been filed by respondent No.2 stating that, on 31.03.2023 an amount of Rs.20,00,000/- was sanctioned *vide* Account No.USFBHYDLOAN000005009101 by respondent No.2 with terms and conditions mentioned in the sanctioned letter and the same was accepted by the husband of the petitioner. It is further stated that respondent No.2 has received the insurance amount of Rs.19,91,889/- on 07.10.2023 and the same was adjusted into the loan account and even after adjustment of the amounts, the borrowers are liable to pay Rs.3,27,871/- as on 06.02.2024.

5. Sri B.Mayur Reddy, learned Senior Counsel appearing for the petitioner has submitted that the insurance company has discharged the loan amount on 07.10.2023 and the respondent No.2-Bank without adjusting the said amount to the loan account is insisting the petitioner to pay an amount of Rs.3,27,871/- as on 06.02.2024 by calculating the interest over and above permissible under the Interest Act, 1978 and the said action on the part of respondent No.2, is illegal, arbitrary and violative of principles of natural justice and Articles 14 and 21 of the Constitution of India.
6. In view of the above submissions, this Court deems it appropriate to dispose of this writ petition directing the petitioner to submit a representation to the respondents requesting waiver of the interest calculated by the respondents, after adjustment of the amounts received by the Insurance Company to the loan Account No. USFBHYDLOAN000005009101. On filing such application, the respondents are directed to consider the same in terms of the provisions of Interest Act, 1978 and if the respondents determine that any amount is payable by the petitioner, the

petitioner shall pay the same and thereafter, the respondents shall release the title documents to the petitioner, within a period of two(2) weeks from the date of clearing the loan.

7. With the above directions, this Writ Petition is disposed of. No order as to costs.

8. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Manager, The Reserve Bank Of India, Office at 6-6-56, AG office road, Saifabad, Khairatabad, Hyderabad.
2. The Unity Small Finance Bank, Office at Centrum House, CST Road, Vidyanagari Marg, Kolina, Santacruz (E), Mumbai. And having its local office at Flat No.306, III Floor, Lumbini Jewel Mall, Road No.2, Banjara Hills, Hyderabad.
3. One CC to Sri R. Venkatesham, Advocate [OPUC]
4. One CC to Sri T. Sasi Kumar, Advocate [OPUC]
5. Two CD Copies

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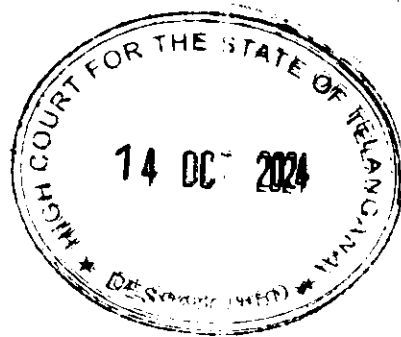
MP

HIGH COURT

DATED:31/07/2024

ORDER

WP.No.2080 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

*7 copies
B.
27/9/24*