

Hassan Vs. Abdul Azeez

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Court : Kerala

Decided On : Nov-20-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Hassan

Respondent : Abdul Azeez

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE WEDNESDAY, THE 20TH DAY OF NOVEMBER 2013 29TH KARTHIKA, 1935 WP(C).No. 18845 of 2013 (E) ----- PETITIONER(S): ----- M.K.RAVINDRAN, AGED 62 YEARS, S/O.KUTTY, RETIRED TELECOM MECHANIC, 11/397, MULLAVALAPPU, BEACH ROAD, FORT KOCHI-682 001. BY ADVS.SMT.SANTHAMMA ISSAC SRI.N.C.THOMAS SMT.ANU THANKAM MATHEW RESPONDENT(S): ----- 1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GOVERNMENT OF INDIA, NEW DELHI-110 001.

2. THE PRINCIPAL GENERAL MANAGER, TELECOMMUNICATIONS, ERNAKULAM TELECOM DISTRICT, BHARATH SANCHAR NIGAM LTD., BSNL BHAVAN, KALATHIPARAMBIL ROAD, KOCHI-682 016. R1 BY ADV. SRI.P.PARAMESWARAN NAIR, ASG OF INDIA R2 BY ADV. SRI.MATHEWS K.PHILIP, SC, BSNL THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY

HEARD ON 2011-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 18845 of 2013 (E) -----
APPENDIX PETITIONER(S)' EXHIBITS; ----- P1- TRUE COPY OF LETTER NO.A-31/MKR/245/22 DATED 19.11.2012 OF ACCOUNTS OFFICER(PC), OFFICE OF THE PRINCIPAL GENERAL MANAGER ADDRESSED TO ASSISTANT GENERAL MANAGER. P2- TRUE COPY OF LETTER DATED 18.04.2013 ADDRESSED TO THE SECOND RESPONDENT BY THE PETITIONER. P3- TRUE COPY OF LAWYER NOTICE DATED 12.06.2013 ISSUED TO THE SECOND RESPONDENT. P4- TRUE COPY OF ACKNOWLEDGEMENT CARD IN TOKEN OF HAVING RECEIVED THE LAWYER NOTICE. P5: TRUE COPY OF REPLY DTD. 25/07/2013 TO THE LAWYER NOTICE. P5(a): PHOTO COPY OF POSTAL COVER USED FOR REPLY DTD. 25/07/2013. RESPONDENT(S)' EXHIBITS: -----
R2(a): COPY OF THE LETTER DTD. 19/11/2012. R2(b): COPY OF THE REPLY DTD. 17/05/2013 ISSUED TO THE PETITIONERS RTI APPLICATION. R2(c): COPY OF THE REQUEST OF THE PETITIONER DTD. 18/04/2013. R2(d): COPY OF THE CONVEYANCE DEED DTD. 13/05/2013. R2(e): COPY OF THE LAWYER NOTICE DTD. 25/07/2013. /TRUE COPY/ P.A.TO JUDGE Kss A.M.SHAFFIQUE, J * * * * *
W.P.C.No.18845 of 2013 ----- Dated this the 20th day of November 2013

JUDGMENT

The petitioner has approached this Court for a direction to return the original title deed of the petitioner deposited with the 2nd respondent.

2. On verification, the 2nd respondent submitted that though the original document was deposited for availing a loan by way of deposit of title deeds, the said document is irrecoverably lost. Counter affidavit is also filed by the 2nd respondent.

3. Having regard to the fact that the document is already lost from the possession of the 2nd respondent, the only remedy for the petitioner is to rely upon the certified copy of the said document. It is submitted by the 2nd respondent that they

have already received a certified copy of the said document and they are ready and willing to take any action in this regard.

4. In these circumstances, the writ petition is disposed of as follows:
W.P.C.No.18845/2013 2 i) That the 2nd respondent shall file a complaint before the local police station regarding the loss of the original title deed. ii) That the 2nd respondent shall issue a notification in the Malayala Manorama daily having circulation at Ernakulam notifying that the original title deed belonging to the petitioner has been lost from their possession. Iii) That the 2nd respondent shall give a certificate to the petitioner along with the certified copy of the title deed stating that the original of the document had been lost from their possession, enclosing along with the same a copy of the advertisement in the newspaper and also a copy of the complaint they have filed before the concerned police station. iv) The entire process shall be done within a period of one month from today. (sd/-)
(A.M.SHAFIQU, JUDGE) jsr W.P.C.No.18845/2013 3

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