

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.574/06

Tuesday this the 13th day of February 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

K.V.Anandan,
S/o.K.K.Vandy,
Stenographer Grade I,
Films Division, Government of India,
CGO Complex, P.O.Vellayani, Thiruvananthapuram – 22.
Residing at Vrindavan, TC/5/1687, Cheruvaikkal,
Sreekaryam P.O.,Thiruvananthapuram – 695 017.Applicant

(By Advocate Mr.M.R.Hariraj)

Versus

1. Union of India represented
by the Secretary to Government,
Ministry of Information & Broadcasting,
A Wing, Sastri Bhavan, New Delhi.
2. The Chief Producer,
Films Division, Government of India,
24 – Dr.G.Desh Mukh Marg, Mumbai – 400 026.
3. The Accounts Officer,
Films Division, Government of India,
24 – Dr.G.Desh Mukh Marg, Mumbai – 400 026.
4. The Branch Manager,
Films Division, CGO Complex,
Vellayani P.O., Thiruvananthapuram.Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 13th February 2007 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant has approached this Tribunal aggrieved by the refusal
of the respondents for reconveyance the property mortgaged by him for
obtaining House Building Advance after having paid back the entire

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amount. At the admission stage of the case respondents had raised the question of jurisdiction and they were directed to file a reply statement on the question of alleged loss of documents after taking the view that the prayer sought could come under the provisions of Sub rule (v) of Rule 3(q) of the AT Act. The respondents in their reply statement submitted that the documents relating to the applicant were irrecoverably lost and they expressed their willingness to release the Mortgage Deed immediately on receipt of the certified true copy of the documents. On 1.12.2006 this Court directed the respondents to report the efforts so far made to trace out the documents and to conduct a thorough search and inquiry and fix the responsibility for the loss of the documents if the search does not yield any result and to file an affidavit on the action taken. In accordance with the directions, an affidavit has been filed by the 4th respondent today. Paras 4 & 5 of the affidavit read as follows :-

"4. Consequent on the above directions, a thorough investigation had been conducted and thorough search was done at the office of the second respondent to trace out the missing documents. But all the efforts were in vein. Consequently, necessary steps are also being taken to fix up the responsibility for using the said documents finding out the real custodian of the same during the relevant time.

5. As has been submitted before this Hon'ble Tribunal, the respondents are prepared to obtain the certified true copy of the documents from the Sub Registrar's Office and also make necessary arrangements for the re-conveyance of the mortgaged property provided the applicant furnish the details of the documents so as to obtain the certified true copy of the documents relating to the property. Otherwise, the Department is prepared to meet the expenses for obtaining the certified true copy of the documents if the applicant make necessary arrangements for the same. The respondents are prepared to assist the applicant for taking further steps in the matter. This affidavit is filed as per the directions of this Hon'ble Tribunal in the interim order dated 1.12.2006."

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2. The following reliefs have been sought in this application :-

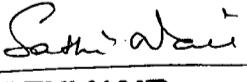
1. Quash Annexure A-7
2. To direct the respondents to reconvey the property mortgaged by the applicant to obtain House Building Advance.
3. To direct the respondents to give back the original documents deposited by the applicant with the 2nd and 3rd respondents for obtaining the House Building Advance or in the alternative to take all necessary steps including publication of the fact of losing the documents and obtaining certified copies to make good to the applicant such loss, at the expense of the respondents.
4. Grant such other reliefs as may be prayed for and the court may deem fit to grant, and
5. Grant the costs of this Original Application.

3. Both the counsel agreed that the O.A can be disposed of in the manner suggested in Paras 4 & 5 of the affidavit of the respondents and that the applicant would give whatever assistance required by furnishing the details to the respondents. Hence in accordance with the aforesaid submissions in the affidavit made by the respondents, the prayer No.3 of the applicant is granted. The respondents shall make necessary arrangements for the re-conveyance of the mortgaged property as per the procedures prescribed and meet the entire expenditure including that of publication. The O.A is accordingly allowed. No order as to costs.

(Dated the 13th day of February 2007)


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN