



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 20183 of 2023 & WMP.No.19520 of 2025

1. P.Subiramaniam

Petitioner(s)

Vs

1. The Reserve Bank Of India
Ombudsman, Kamarajar Salai,
Chennai-09.

2.The Axis Bank Limited,
Rep. By The Branch Manager, 3rd
Floor, Gigaplex Building No.1, Plot
No.I.T-5, M.I.D.C Airoli Knowledge
Park, Airoli, Navi Mumbai-400 708.

3.The Branch Manager
Axis Bank Limited-anthiyur Branch,
Anna Silai, Thavittupalayam,
Anthiyur, Erode District.

Respondent(s)

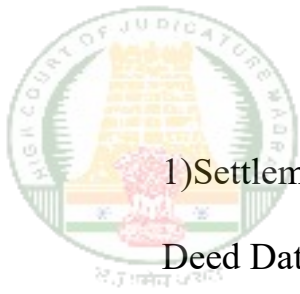
PRAYER: Petition filed under Article 226 of the Constitution of India, quashing the impugned letter, vide Reference Number N202223023362010 and 230104672362 dated Nil, issued by the 3rd respondent and direct the respondents-2 and 3 to cancel the Mortgage Deed dated 30.12.2013 registered as Document No.3616/2013 on the file of the Sub-Registrar Ammapet, Erode District and to return the petitioners mortgaged original title documents, 1)Settlement Deed dated 07.08.1978 registered as Doc No.1136/ 1978, 2)Sale Deed Dated 26.03.1991 registered as Doc. No.472/1991, 3)Partition Deed Dated 15.07.2002 registered as Doc.No.958/2002 and 4)Sale Deed dated 14.03.2005 registered as Doc. No.385/2005 to the petitioner.

For Petitioner(s): Mr.V.Vijayakumar

For Respondent(s): Mr.M.R.Uma Vijayan
Standing Counsel

ORDER

The petitioner seeks a direction for return of the documents, viz.,

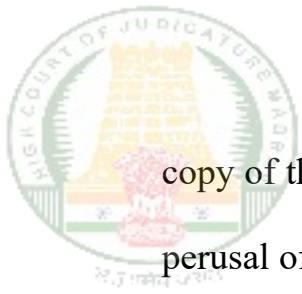


1)Settlement Deed dated 07.08.1978 registered as Doc No.1136/ 1978, 2)Sale Deed Dated 26.03.1991 registered as Doc. No.472/1991, 3)Partition Deed Dated 15.07.2002 registered as Doc.No.958/2002 and 4)Sale Deed dated 14.03.2005 registered as Doc. No.385/2005 to the petitioner; deposited by the petitioner at the time of availing the agricultural loan.

2. According to the petitioner even after the repayment of the entire loan amounts, the documents have not been returned, whereas, the impugned letter has been as if since, there are civil cases pending in respect of the properties and therefore, the document cannot be returned.

3. Counter has been filed stating that the petitioner's son has filed a suit for partition in O.S.No.431 of 2022 pending on the file of the learned Sub Judge Bhavani and similarly, another suit in O.S.No.585 of 2022 pending on the file of the learned Sub Judge Bhavani for a permanent injunction restraining the bank from releasing the documents. Therefore, because of the pendency of case, they could not return the document.

4. Heard both sides and perused the materials placed on record. Admittedly, the documents have been deposited by the petitioner at the time of availing loan from the bank. The petitioner's son appeared to have filed suits,



copy of the plaint in O.S.No.585 of 2022 is also produced before this Court. On perusal of the same, it would indicate that O.S.No.431 of 2022 has been filed by the petitioner's son claiming partition that the entire property is ancestral property, therefore, he is also entitled to the share. Be that as it may, even assuming that the property is ancestral property as alleged in the plaint, mere handing over the document to the writ petitioner by the bank, the same will not take away the right of the petitioner's son in the partition suit. Admittedly, the petitioner has mortgaged the property and deposited certain documents with the bank and the loan amount is also cleared by the petitioner. Such being the position, the bank shall necessarily return the document to the writ petitioner. Mere pendency of civil suits and without there being any interim order, retaining the documents by the bank is not proper.

5. Such view of the matter, there shall be a direction to the third respondent where the documents are available to return the documents deposited by the petitioner within a period of one week from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed. It is made clear that the right of the parties in the civil suit is always subject to the result of the suit. Mere handing over the documents of the petitioner will not give any better right other than the right decided by the civil court.



17-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1.The Reserve Bank Of India
Ombudsman, Kamarajar Salai,
Chennai-09.

2.The Branch Manager
The Axis Bank Limited,
3rd Floor, Gigaplex Building No.1,
Plot No.I.T-5, M.I.D.C Airoli
Knowledge Park, Airoli, Navi
Mumbai-400 708.

3.The Branch Manager
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