



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 28048 of 2025

and

WMP Nos.31438, 31440 & 31442 of 2025

1.M.Sadashivam
2.S.Devi Eswari
3.M.Sudhakar

Petitioner(s)

Vs

1.The Reserve Bank Of India
No.16, Rajaji Salai,
Fort Glacis,
Chennai- 600 001.

2.The Branch Manager
City Union Bank,
#123, Denkanikotta Road,
Opp.Sub - Collector Office,
Hosur- 635109.

3.D.Mani
4.M.Babu

Respondent(s)



PRAYER

Directing the 2nd respondent not to release the mortgaged document relating to the company to the 3rd and 4th respondents without the physical presence of the all directors with board resolution of the company.

For Petitioner(s): M/s.R.Meenakshi

For Respondent(s): Mr.T.Poornam For R1

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent not release the mortgaged documents relating to the company to the respondents 3 and 4 without the physical presence of all the directors with the Board resolution.

2. Heard the learned counsel for the petitioners and carefully perused the materials available on record.

3. In the considered view of this Court, the present writ petition is totally

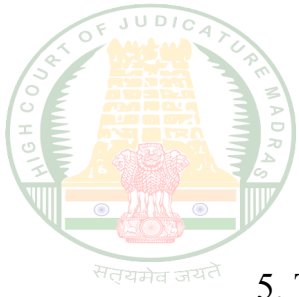


misconceived. The petitioners are seeking for a relief as against the 2nd respondent / Bank. A writ petition can be maintained against the 2nd respondent /

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Bank provided that 2nd respondent / Bank is involved in some public duty. In the absence of the same, a writ of mandamus can never be issued against the private financial institutions. Useful reference can be made to the latest judgment of the Hon'ble Apex Court in ***S.Shobha vs. Muthoot Finance Ltd.***, reported in **2025 4 CTC 327**. Specific reference can be made to paragraph 9 of the said judgment. The Apex Court in no uncertain terms held that such bodies will not come within the preview of Article 12 of the Constitution of India.

4. In view of the above, this Court is not inclined to exercise its discretion under the Article 226 of the Constitution of India. It is left open to the petitioners to workout their remedy before the Competent Court and proceed further in accordance with law.



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5. This writ petition is disposed of with the above observations. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Jeni

To

1. The Reserve Bank Of India
No.16, Rajaji Salai, Fort Glacis,
Chennai- 600 001.

2. The Branch Manager
City Union Bank, 123, Denkanikotta
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N.ANAND VENKATESH J.

Jeni

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