



WEB COPY



W.P.No.33368 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

C O R A M

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No.33368 of 2025

Rajesh Mootha

... Petitioner

Vs

1.The Government of India  
Rep.by its Secretary,  
Department of Financial Services,  
Ministry of Finance, Jeevan Deep Building  
Sansad Marg  
New Delhi-1100 001.

2.The Reserve Bank of India  
Rep.by its Executive Director,  
Department of Supervision  
17<sup>th</sup> Floor, Central Office Building  
Shahid Bhagat Singh Road  
Mumbai-400 001.

3.The Federal Bank Limited  
[CIN:L6591KL1931PLC000368]  
Represented by its Authorised Signatory,  
Having Registered Office at  
Federal Towers, P B No.103,  
Aluva, Ernakulam,  
Kerala-683 101.

4.Deputy Vice President & Branch Head



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The Federal Bank Limited,  
Chennai Mount Road Branch,  
No.27, Ground Floor, Akshaya Shanthi  
No.27, Ground Floor, Akshaya Shanthi,  
Anna Salai, Chennai-600 002.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3<sup>rd</sup> and 4<sup>th</sup> Respondents to release the Title Deeds pertaining to the property being house, ground, and premises bearing Old Door No.8/1, New Doore o.15/1, Kavingnar Bharathidasan Road, forming a part of Seethammal Colony, Alwarpet, Chennai-600 018 to the Petitioner, and consequently, direct the 3<sup>rd</sup> and 4<sup>th</sup> Respondents or those authorised by them to execute and register a Deed of Receipt confirming the Petitioner's discharge from the borrowing in lieu of the Memorandum of Deposit of Title Deeds dated 25.10.2023 bearing Document No.1451 of 2023 on the file of the S.R.O-Chennai Central.

**ANCILLARY PRAYER :** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to appoint one or more of its Officers to observe the manner in which the affairs of the 3<sup>rd</sup> respondent/Banking Company are being conducted and carry out a forensic audit of the banking activities of the said Banking Company and make a report thereon on such parameters and yardsticks as this Hon'ble Court may deem fit and proper and furnish a copy of the same to the Petitioner within such reasonable time as may be fixed by this Hon'ble Court.

For Petitioners : Mrs.R.V.Gayatri  
for M/s.P.B.Ramanujam Associates



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For Respondents : Mr.K.Balaji,  
Central Government Counsel  
For R-1.

### **ORDER**

Though certain reliefs have been sought for in the above Writ Petition, the main relief espoused in the above Writ Petition is with regard to the release of title deeds pertaining to the petitioner's property as also to oversee the conduct of the 3<sup>rd</sup> respondent bank in discharging their affairs.

2. Mr.K.Balaji, learned Central Government Counsel takes notice on behalf of the 1<sup>st</sup> respondent. As no adverse order is being passed as against respondents 2 to 4, notice to respondents 2 to 4 is dispensed with.

3. It is the case of the petitioner that upon obtaining a loan from the 3<sup>rd</sup> respondent for the purchase of property to an extent of Rs.5 Crores, the title deeds were deposited with the 3<sup>rd</sup> respondent for enhancement of loan which was also granted to an extent of Rs.1.17 Crores. The petitioner was informed at the time of execution of the deed with regard to deposit of title deeds that the same was for a sum of Rs.10 Crores, though the loan obtained by the petitioner was only to an extent of Rs.6.17 Crores. Due to the aforesaid discrepancy, the petitioner addressed an email to the 3<sup>rd</sup> respondent for settling the entire dues at which point of time, the cross-collateralisation of the document was brought to the notice of the petitioner. The said act of the 3<sup>rd</sup> respondent in creating the



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cross-collateralisation is contrary to the terms and conditions of the loan and contravenes the various circulars, guidelines and directions issued by the 2<sup>nd</sup> respondent and, therefore, left with no alternative, the petitioner has come before this Court by filing the present petition.

4. The learned counsel for the petitioner submitted that though the petitioner had expressing his willingness to settle the entire dues in respect of the loan availed by him and however, despite the absence of any default on the part of the petitioner in repaying the loan sanctioned by them, the retention of title documents by the 3<sup>rd</sup> respondent by creating cross-collateralisation is wholly arbitrary and in violation of the guidelines or directions issued by the 2<sup>nd</sup> respondent. Hence, this Court may issue a direction to respondents 3 & 4 to release the title deeds in favour of the petitioner upon settlement of the entire outstanding dues.

5. Learned Central Government Counsel appearing for respondents 1 to 4 submits that an effective and alternative remedy is available before the banking Ombudsman. Hence, the petitioner may approach the banking Ombudsman for the aforesaid relief.

6. The issue involved in the present case being with regard to deposition of title deeds in connection with the loan availed by the petitioner from



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respondents 3 & 4, there is an alternate and effective remedy available before the banking Ombudsman and hence, this Court is of the view that the petitioner cannot invoke an extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking the aforesaid relief. If at all the petitioner is aggrieved, proper course open for the petitioner is to approach the Banking Ombudsman seeking redressal of his grievance. On this short and solitary ground itself, this Writ Petition is liable to be dismissed

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No

Nhs

**M.DHANDAPANI, J.**

Nhs

To



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Ministry of Finance, Jeevan Deep Building  
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