



W.P.No.43473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.43473 of 2025

C.Paranthaman

... Petitioner

Vs.

1.The Regional Head (HDFC),
Reg. Office at 759, ITC Centre,
Anna Salai, Chennai-600 002.

2.Sasidhar Jageesan,
Managing Director, HDFC Bank,
No.28, 2 Kundrathur Main Road,
Moulivakkam Branch, Chennai-116.

3.C.P.Easwaramurthy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the second respondent
to consider the representation dated 02.09.2025 to return the original sale
deed document pertaining with property vide Document No.1975/1975 SRO

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Tambaram to the petitioner or his authorised person.

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For Petitioner : Mr.C.B.Muralikrishnan

For Respondent : Mr.C.Mohan
No.1 & 2 & Ms.A.Rexy Josephine Mary
for M/s.King & Patridge

ORDER

The present Writ Petition has been filed seeking a direction to the second respondent to consider the representation of the petitioner dated 02.09.2025 to return the original sale deed document pertaining with property vide Document No.1975/1975 SRO Tambaram to him or to his authorised person.

2. Heard both sides. With the consent of both sides, the writ petition is taken up for hearing at the admission stage itself. Since no adverse order has been passed against the third respondent, notice to him is dispensed with.



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3. It is the case of the petitioner that he is the owner of the subject property and had executed a settlement deed to the third respondent herein in the year 2015. Subsequent to it, the third respondent has not taken care of him and hence, he made a complaint to the Revenue Divisional Officer and he has ordered for equal share of the property between the petitioner and the third respondent, which was also not complied with by the third respondent and aggrieved by the same, the petitioner filed writ petitions before this Court in W.P.19640 of 2020 and W.P.No.2367 of 2023, whereby the Court had passed the orders in favour of the petitioner by cancelling the settlement deed and directed to hand over the possession of the subject property to the petitioner which was challenged by the third respondent in W.A.No.3647 of 2024, however, the same was dismissed. While that being so, the petitioner came to know that the third respondent had obtained loan from the respondent Bank and made a representation to the respondent bank to return the original documents of the subject property on 05.08.2025, however, there was no response. Hence, the present Petition.



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4. The learned counsel for the petitioner submitted that since the settlement deed was cancelled by this Court which was confirmed by the order of the Hon'ble Division Bench of this Court in W.A.2367 of 2023, the third respondent has no title over the said property and hence, the respondent bank has to return the documents to the petitioner by considering his representation dated 05.08.2025.

5. Per contra, the learned counsel appearing for the respondents bank submitted that now, the dispute in regard to the subject property between the petitioner and the third respondent is pending before the Hon'ble Supreme Court. He contended that unless the dues are paid by the third respondent to the second respondent bank, they are not in a position to return the subject documents to the petitioner. He further submitted that the Writ Petition filed by the petitioner as against a Private Bank is not maintainable. In support of his contention, the learned counsel relied upon a decision of this Court in the case of *Mercury Transports, Chennai Vs. The Secretary to Government, Ministry of Finance, Government of Tamil Nadu, Chennai and 5 others*

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reported in 2016 SCC OnLine Mad 19248, wherein it has been held as

follows:

“7.The learned counsel had also relied on a decision of the Division Bench of the Madurai Bench of the Madras High Court, dated 28.10.2013 made in W.P.(MD) No.8499 of 2013 and paragraphs 4 and 5 of the said decision read as follows:

4.Per contra, the learned counsel appearing for the respondent Bank had submitted that the writ petition filed by the petitioner is not maintainable under Article 226 of the Constitution of India, in view of the decision of the Hon’ble Supreme Court, in United Bank of India Vs. Sathyawathi Tondon, reported in 2010 (8) MLJ 1069 and in GM, Sri Siddeshwara Co-operative bank Limited Vs. Sri. Ikkal reported in 2013 6 MLJ 571 (SC).

5.In view of the submissions made by the learned counsels appearing for the parties concerned, we are of the considered view that for the present the writ petition, filed by the petitioner, is not maintainable.

8.In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned counsel appearing on behalf of the respondents 4 and 6 and in view of the decisions cited supra, this Court is of the



considered view that the present writ petition, filed by the petitioner, is not maintainable. The respondent Bank, being a private entity does not fall under the definition of “the State”, under Article 12 of the Constitution of India. The decision of the Supreme Court, in Federal bank Ltd. Vs. Sagar Thomas lends support to the said proposition. Further, a contract, entered into between the petitioner and the respondent Bank, cannot be enforced, amended or modified, by the directions issued by this Court, under Article 226 of the Constitution of India. In such circumstances, this Court is of the concerned view that the writ petition is not maintainable. Hence, writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

Thus, he prayed for dismissal of the Writ Petition.

6. Considering the submissions made by the learned counsels on either side and also in the light of the order of this Court as stated supra, the Writ Petition stands dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law. There shall be no orders as to costs.



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Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

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To

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