BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.26887 of 2025

Mr.Lakshmana Vignesh ... Petitioner

Vs.

1. The Reserve Bank of India,
Through its Chief General Manager,
Department of Regulation,
Central Office Building,
Shahid Bhagat Singh Road, Fort,
Mumbai 400 001.

2. Axis Bank Limited,
Through its Branch Manager,
V.E Road, Tuticorin 628 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner dated 28.07.2025 and to enforce its circular dated 13.09.2023 and issue specific directions to Axis Bank pertaining to Loan A/c No. 921030026484076; Declaring that any discharge of the mortgage without the petitioners consent shall be null and void.

For Petitioner : Mr.M.Sathya Kumar

ORDER

The above writ petition has been filed for the following relief:-

"Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner dated 28.07.2025 and to enforce its circular dated 13.09.2023 and issue specific directions to Axis Bank pertaining to Loan A/c No. 921030026484076; Declaring that any discharge of the mortgage without the petitioners consent shall be null and void ."

2. The brief facts as set out in the affidavit filed in support of the writ petition are as follows:-

The case of the petitioner is that he is the account holder of the 2nd respondent bank and has availed an agricultural loan vide sanction letter dated 28.11.2019 under the Code ODCON Scheme, which was eligible for renewal on 28.06.2021. He is the primary borrower and his brother Mr. Palaniappan was added as a co-applicant to the said loan for the purpose of offering collateral in the form of immovable property.

3. At this juncture, the petitioner was informed by the 2nd respondent bank that his brother/co-applicant has re-paid the outstanding loan amount and was taking necessary steps to retrieve the original mortgage documents and discharge the security.

4. In this connection, the petitioner has made an objection both orally and through a formal communication before the 2nd respondent bank, however, no action has been taken.

5. The further case of the petitioner is that though the account was classified as a Non-Performing Asset (NPA), his brother/co-applicant had settled the outstanding loan amount himself and further closed the joint account without the consent of the petitioner. Admittedly, the loans extended to third parties were exclusively through this account, and the Post-Dated Cheques issued to others may bounce due to the closure of this account, which will affect the goodwill and reputation of the petitioner's business.

6. The further contention of the petitioner is that though a legal notice has been sent to the 2nd respondent bank to not release or discharge the mortgage documents, the 2nd respondent bank is attempting to proceed with the same without the petitioner's consent, which is a breach of banking standards and against violation of law.

7. The learned counsel appearing for the petitioner would submit that since the petitioner is a primary borrower to the above said agricultural loan, the 2nd respondent bank cannot release or discharge the mortgage documents without his implied or express written consent.

8. In support of his contentions, he placed reliance on the judgement of the Hon'ble Apex Court in the case of **St.Marys Education Society** vs. **Rajendra Prasad Bhargava** in Civil Appeal No.5789 of 2022, wherein the Apex Court held as follows:-

"17. From the discussion aforesaid and in the light of the judgments referred above, a writ petition under Article 226 of the Constitution would be maintainable against (i) the Government; (ii) an authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) ***a private body discharging public duty or positive obligation of public nature****; and (viii) a person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function.*

18. There is thin line between "public functions" and "private functions" discharged by a person or a private body/authority. The writ petition would be maintainable only after determining the nature of the duty to be enforced by the body or authority rather than identifying the authority against whom it is sought."

9. He would further submit that the petitioner has has sent a detailed representation dated 28.07.2025 to the Reserve Bank of India, however, no action has been taken to date. Aggrieved by the same, the petitioner is before this Court.

10. Considering the facts and circumstances of the case and that the grievance of the petitioner is restricted to the consideration of his representation, without expressing any opinion on the merits of the petitioner, the 1st respondent is directed to consider the representation of the petitioner dated 28.04.2025 and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

11. The writ petition stands disposed of with the above observations. No costs.

06.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

1. The Reserve Bank of India,
   Through its Chief General Manager,
   Department of Regulation,
   Central Office Building,
   Shahid Bhagat Singh Road, Fort,
   Mumbai 400 001.

2. Axis Bank Limited,
   Through its Branch Manager,
   V.E Road, Tuticorin 628 001.

P.T.ASHA, J.

rgm

W.P.(MD).No.26887 of 2025

06.11.2025