IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

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

WP No. 45966 of 2025

and

WMP No.51262 of 2025

K.Santhosh

..Petitioner(s)

Vs

The Branch Manager
Canara Bank, 259-r, Karur Main Road, Mulanur,
Dharapuram-638106, Tiruppur District.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 25.08.2025 issued by the Respondent, quash the same and consequently direct the respondent to release all the original documents to petitioner which were given to the respondent under the mortgage deeds dated 15.05.2014(Doc. No.683/2014) dated 21.04.2025 (Doc. No.725/2025) and dated 06.10.2017 (Doc. No.1362/2017) by considering petitioners representations dated 30.07.2025 and 18.08.2025.

For Petitioner(s):	M/s. N. Manoharan
For Respondent(s):	Mr.R.Jagadeesan for M/s.K.V.Subramanian Associates

ORDER

The above Writ Petition has been filed for the following reliefs:-

"calling for the records relating to the impugned order dated 25.08.2025 issued by the Respondent, quash the same and consequently direct the respondent to release all the original documents to petitioner which were given to the respondent under the mortgage deeds dated 15.05.2014(Doc. No.683/2014) dated 21.04.2025 (Doc. No.725/2025) and dated 06.10.2017 (Doc. No.1362/2017) by considering petitioners representations dated 30.07.2025 and 18.08.2025."

2. The brief facts are as follows:-

2.1. The property measuring an extent of 5 acres 71 ½ cents in SF.No.279/7, 293/10, 508/A, 508/B1 and a half share in the well in SF.No.279/5, Thoorampadi Village, Dharapuram Taluk, Tiruppur District belonging to the petitioner's maternal grandmother, namely, Valliathal, wife of Muthusamy. The said Valliathal had sold the said property to the petitioner under a sale deed dated 25.03.2025. This sale deed was executed by his grandmother in his favour in order to discharge the mortgage in favour of the respondent bank. The petitioner's grandmother when she was alive had borrowed a loan from the respondents and executed the following Memorandum of Deposit of Tittle Deeds:-

Date/Doc. No.	Loan Amount	Survey No. & extent
15.05.2014 Doc. No. 683/2014	Kishon OD Rs. 5,00,000/- For agricultural purposes	RS No. 279/7=1.23 Acres RS No. 508/B1=2.73 ½ Acres RS No. 508/A=0.91 Acre Totally 4.87 ½ Acres with 1/8th share in the Well
21.04.2015 Doc No. 725/2015	Additional loan under Kishon Credit card Rs. 2,50,000/-	
06.10.2017 Doc. No. 1362/2017	Credit facilities extended under Kishon OD Rs. 4,85,000/- Kishon Credit card Rs. 2,50,000/- Farm Development loan of Rs. 5,00,000/-	

2.2. The petitioner's grandmother had settled the loan liability under MoDT dated 06.10.2017 which was registered on 11.02.2022 under Document No.1362/2017. However, due to her age and financial difficulties she was not able to repay the other two loans, namely, loan dated 15.05.2014 and 21.04.2025 and her account had been declared as a Non Performing Asset (NPA). In these circumstances, she had executed a power of attorney in favour of one N.Kannan to deal with her properties. Meanwhile, the petitioner had undertaken to settle the liability and had also settled the same with the respondent bank.

2.3. Thereafter, the petitioner's grandmother had executed a sale deed dated 25.03.2025 in favour of the petitioner. When the same was presented for registration before the SRO, Mulanur, it was returned with a refusal check slip of the same date. The petitioner had challenged the same by filling WP.No.11959/2025 and by order dated 16.06.2025, this Court had directed the SRO, Mulanur to register the sale deed dated 25.03.2025 and accordingly, the same was registered.

2.4. On 18.06.2025, the petitioner's grandmother had passed away and thereafter the petitioner had approached the respondent bank to cancel the MoDT and to hand over the original documents. Since there was no response, the petitioner had sent a legal notice on 18.07.2025 with reminders dated 30.07.2025 and on 18.08.2025 to which there was no response. Thereafter, on 20.08.2025, the petitioner had issued a legal notice directing the respondent to release the documents after executing a discharge receipt within a period of 7 days. Thereafter, the respondent had rejected the request of the petitioner through the impugned order dated 25.08.2025. Challenging the same, the petitioner is before this Court.

3. The respondent bank had filed a counter inter alia contending that the other legal heirs of the deceased Valliathal had filed a partition suit in O.S. No.685 of 2025 on the file of the Principal District Court, Tiruppur, and had also sought to declare the sale deed dated 25.03.2025 in favour of the petitioner

as null and void. The respondent bank also stated that, in the event of the demise of the borrower or joint borrowers, regulated entities must have a well-defined procedure for returning documents to the legal heirs. As per the directions of the RBI, either the borrower must personally collect the original documents, or, in case of death, the documents will be returned to the legal heirs of the deceased borrower after following the procedure prescribed by the bank. According to the bank's procedure, a legal heir certificate must be produced, and all legal heirs must complete the required formalities to obtain the original documents.

4. The respondent bank would submit that Valliathal had two daughters, namely, Kulanthathal and Kalaiyarasi. The said Kulanthathal is no more and survived by her husband and daughter who have filed the above partition suit and the petitioner is the son of the other daughter, Kulanthathal. Since there were several points in dispute, the bank cannot be called upon to hand over the original documents to the petitioner particularly when the registration of the sale deed had been done post the death of the said Valliathal. The respondent would further submit that the loan was closed on 10.07.2025, after the demise of Valliathal on 18.06.2025. In these circumstances, only the legal heirs are entitled to receive the original documents. Therefore, they sought for the dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the records.

6. It is admitted that the property in question belonged to Valliathal, a Hindu woman. During her lifetime, she had borrowed money from the respondent bank and mortgaged her property by depositing the original documents. Out of the three mortgages, she had settled only one due to financial difficulties. Thereafter, on 25.03.2025, the said Valliathal had sold the subject property to the petitioner, who is also her grandson. The petitioner had settled the entire dues of the respondent bank. Initially, the Sale deed dated 25.03.2025 was presented for registration on the very same date but the registering authority had refused to register the same compelling the petitioner to approach this Court and after orders of the Court directing the respondent to register the sale deed, the same has been registered.

7. The contention of the respondent bank that the sale deed was registered after the death of Valliathal cannot be sustained, since the document was initially presented for registration on 25.03.2025, when the petitioner's grandmother, Valliathal, was very much alive. The registration was subsequently completed pursuant to the orders of this Court. Therefore, the contention that the registration took place after the death of the petitioner's grandmother does not hold water, as this Court had passed orders in W.P.

No.11959 of 2025 on 16.06.2025, and in compliance with those directions, the registering authority registered the document. Thus, the presentation of the document had taken place much before the death of the seller.

8. The rival claimants have filed a partition suit in O.S.No. 685 of 2025 on the file of the Principal District Court, Tiruppur, and have also sought to declare the sale deed dated 25.03.2025 in favour of the petitioner as null and void, however, to date no orders have been passed in the said suit. Therefore, after receiving the entire loan amount, the respondent bank cannot retain the documents, more particularly when their return has been sought for by a person who had purchased the property from the original mortgagor by paying the valuable consideration.

9. The only apprehension of the respondent bank is that they may be required to compensate the rival claimants, who are the plaintiffs in suit O.S. No.685 of 2025, in the event they succeed. This apprehension can be adequately addressed by directing the petitioner to execute an indemnity bond in favour of the respondent bank, undertaking to indemnify the bank against any loss it may suffer if the plaintiffs ultimately succeed in suit O.S. No. 685 of 2025.

10. Accordingly, the Writ Petition is allowed. The impugned order passed by the respondent dated 25.08.2025 is set aside. The document shall be returned

within a period of one week after the indemnity bond is filed. No costs. Consequently, the connected Miscellaneous Petition is closed.

10-02-2026

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

SHR

To

The Branch Manager
Canara Bank, 259-r, Karur Main Road, Mulanur,
Dharapuram-638106, Tiruppur District.

P.T.ASHA, J.

SHR

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