BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.11563 of 2024

I.Kavitha

.. Petitioner

Vs

1.The Governor,
Reserve Bank of India,
Main Building, P.O. Box 901,
Shahid Bhagat Singh Road,
Mumbai - 400 001.

2.The Branch Manager,
(Authorized Signatory),
Axis Bank Limited,
Wholesale Banking Centre,
No.50, Alagarkoil Main Road,
Tallakulam, Madurai - 2.

3.Vijayalakshmi
4.I.Iniyan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent under the proceedings AXIS/MAD/WBC/14/2023-24 dated 24.04.2024 and quash the same as illegal, unsustainable and consequently direct the 2nd respondent to return the title deeds pertaining to the petitioner's property on the basis of the petitioner's representation dated 18.04.2024 and to execute the discharge receipt by cancelling the mortgage deeds dated 27.08.2007, 11.01.2013, 26.03.2015, 13.01.2017 and 15.02.2017 executed in favour of the 2nd respondent bank.

For Petitioner : Mr.M.Ponniah
For Respondent : Mr.K.R.Laxman
Standing Counsel for R1

Mr.P.Pethu Rajesh
Standing Counsel for R2

Mr.S.Bharathi for R3 and R4

ORDER

The petitioner challenges the communication dated 24.04.2024 issued by the second respondent, whereby she was called upon to produce a succession certificate for the release of the original title deeds pertaining to the property mortgaged with the Bank.

2.The facts leading to the filing of the present writ petition are that the petitioner's husband, Mr. R. Ilangovan, had availed a loan facility from the second respondent Bank by depositing the original title deeds as security. During the subsistence of the loan, he passed away on 14.05.2020. Subsequently, the petitioner settled the outstanding loan liability under the One-Time Settlement Scheme introduced by the Bank, pursuant to which the loan account stood closed and a discharge certificate was issued by the second respondent.

3.Thereafter, the petitioner, along with respondents 3 and 4, submitted a representation to the second respondent seeking release of the original title deeds deposited by the deceased borrower. However, by the impugned communication dated 24.04.2024, the second respondent declined to accede to the request and insisted upon production of a succession certificate before considering release of the documents.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5.The petitioner has specifically averred that she is the legally wedded first wife of the deceased borrower. According to her, during the subsistence of the said marriage, her husband contracted a second marriage with the third respondent through which respondent No.4 and one Mukilan were born. The said Mukilan is a minor and is in the custody of the third respondent. It is not in dispute that the petitioner, together with respondents 3 and 4, has made a joint request seeking release of the original title deeds in favour of the petitioner. It is also not in dispute that the entire loan liability has been discharged and that no amount remains due and payable to the Bank.

6.The stand of the second respondent Bank is founded upon an apprehension that, if the original title deeds are released without adequate safeguards and any rival claimant or third party subsequently asserts a claim over the estate of the deceased borrower, the Bank may be exposed to unnecessary litigation and may be held accountable for having released the documents without proper verification of entitlement. It is in view of the said apprehension that the petitioner has been called upon to produce a succession certificate.

7.This Court is of the view that the apprehension entertained by the second respondent Bank can be sufficiently addressed by adopting appropriate safeguards. The insistence upon a succession certificate in the peculiar facts and circumstances of the present case, particularly when the loan account has already been discharged and when the petitioner as well as respondents 3 and 4 have jointly sought release of the documents, appears to be unnecessary. At the same time, the interests of the Bank require adequate protection against any future claims by third parties.

8.In the considered opinion of this Court, the ends of justice would be met by directing the petitioner to issue a public notice, in the name of the second respondent Bank, inviting objections, if any, from members of the public regarding the proposed release of the original title deeds in favour of the petitioner. Such a course would afford an opportunity to any person claiming a competing right over the documents or the estate of the deceased borrower to come forward and raise objections. In the absence of any such objections, the apprehension of the Bank would stand substantially mitigated.

9.Accordingly, the writ petition stands disposed of with the following directions:

(i) The petitioner shall, within a period of two weeks from the date of receipt of a copy of this order, cause publication of a public notice in the name of the second respondent Bank in the local newspaper having wide circulation inviting objections, if any, from the public regarding the release of the original title deeds in her favour.

(ii) The notice shall specify that objections, if any, shall be submitted within a period of ten (10) days from the date of publication.

(iii) In the event no valid objections are received within the aforesaid period, the second respondent Bank shall release the original title deeds to the petitioner forthwith.

(iv) Prior to such release, the petitioner shall execute an appropriate indemnity bond indemnifying the Bank against any future claims, disputes, losses, or liabilities arising out of the release of the original title deeds.

(v) The second respondent Bank shall also issue the necessary discharge certificate and other consequential documents evidencing closure of the loan account, if the same have not already been issued.

10.With the above directions, the writ petition stands disposed of. There shall be no order as to costs.

01.06.2026

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

HEMANT CHANDANGOUDAR, J.

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