



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 30216 of 2022

Dhanam

W/o. Harikrishnan,

No. 1/375- 26, Rajaji Nagar,

Rayakottai road, Krishnagiri 635 002 ,

Krishnagiri district

Petitioner(s)

Vs

1. Axis Bank Ltd

Trishul, 3rd Floor, Opp. Samartheshwar
Temple, Near Law Garden, Elilisbridge
Ahmedbad 380 006

2.Axis Bank Ltd

Rep. by its Branch Manager,
No. 171 A (TS No. 80/1), Nethaji Bye
pass road, Dharmapuri,
Tamil Nadu 636 701

3.Deputy Assistant Commissioner

O/o. Assistant Commissioner (ST),
Mandanapalle, Noothi
Radhakrishnayyar Street, Behind
Mamatha Kalayan Mandapam,
Mandanapalle, Annamaya District,
Andhra Pradesh 517 325

4.H.Raja

S/o. Harikrishnan, No. 1/375- 26, Rajaji
Nagar, Rayakottai road, Krishnagiri 635
002 , Krishnagiri district 636 701

Respondent(s)

**PRAYER**

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent to release the document No. 2101/ 2011 and 585/ 2013 relating to property located at SF Nos. 26/4 , Sub Div No. 26/4A, New Sub Div. S.No. 26/4A1A and 2555 sq.ft of Vacant land located at SF Nos. 26/4 , Sub Div No. 26/4A, New Sub Div S.No. 26/4A2 both located in Kattiganapalli village, Krishnagiri Joint II Sub Registration District, Krishnagiri Taluk, Krishnagiri District given as security to the loan account No. 984030046698101 of 4th respondent

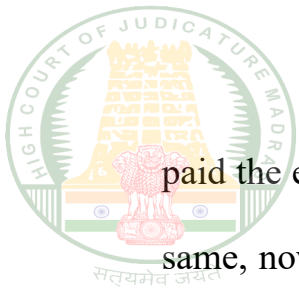
For Petitioner(s): Mr.A.K.Rajaraman

For Respondent(s): Mr.R.Sreedhar, SC for R1 & 2
R3 & R4 No appearance

ORDER

This writ petition has been filed to direct the 1st and 2nd respondents to release the original title deeds, viz., document No. 2101/ 2011 and 585/ 2013 relating to property located at SF Nos. 26/4 , Sub Div No. 26/4A, New Sub Div. S.No. 26/4A1A and 2555 sq.ft of Vacant land located at SF Nos. 26/4 , Sub Div No. 26/4A, New Sub Div S.No. 26/4A2 both located in Kattiganapalli village, Krishnagiri Joint II Sub Registration District, Krishnagiri Taluk, Krishnagiri District given as security to the loan account No. 984030046698101 of 4th respondent.

2. The learned counsel for the petitioner would submit that in this case, the petitioner, being a guarantor to the loan availed by her son, had pledged the title deed of the property. Pursuant to the same, Memorandum of Deposit (MOD) was created on the subject property. Subsequently, the borrower had re-



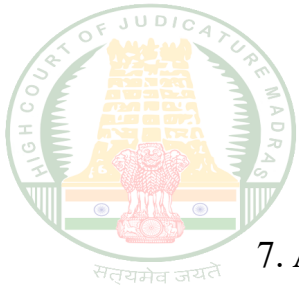
paid the entire loan amount during the month of November 2020. In spite of the same, now, the respondents are retaining the title deed citing the lien marked at the instances of an unconnected tax liability arising out of partnership firm of the borrower.

3. Further, he would submit that the petitioner is only a guarantor of the loan amount availed by her son-4th respondent. In such case, the petitioner's property cannot be attached for the amount outstanding tax liabilities for the 4th respondent. Since the petitioner's property was only mortgaged for availing loan amount for the 4th respondent, it is unreasonable for the 1st and 2nd respondent to withhold the title deeds. Hence, this petition.

4. There is no representation on behalf of the respondents.

5. Heard the learned counsel for the petitioner and also perused the entire materials available on record.

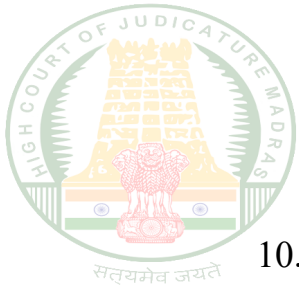
6. In the case on hand, it appears that the petitioner, being a guarantor, had deposited her title deeds as mortgage for the loan amount borrowed by her son - 4th respondent herein. Now, the entire loan amount was duly paid by the 4th respondent. In such case, it is the bounded duty of the 1st and 2nd respondent to release the title deeds.



7. As far as the attachment of petitioner's property for the outstanding tax liabilities of the 4th respondent is concerned, the 3rd respondent has no authority to do so. If there is any liability on the part of the petitioner, certainly, the 3rd respondent can attach the subject property, however, no attachment can be made on the petitioner's property for the tax liabilities of the 4th respondent since it was mortgaged only for the purpose of availing loan from the 1st and 2nd respondents.

8. In view of the above, it is clear that without application of mind, the 1st and 2nd respondents are retaining the documents of the petitioner. In such case, the 1st and 2nd respondents are directed to ascertain as to whether the entire loan amount is settled by the 4th respondent. If it is duly settled, they shall release the original title deeds to the petitioner within a period of 4 weeks from the date of receipt of a copy of this order.

9. Further, as stated above, the petitioner's property cannot be attached for the tax dues of the 4th respondent and hence, it is clear that the attachment order passed by the 3rd respondent is not sustainable in law and hence, the same stands lifted.



10. With the above directions, this writ petition is disposed of. No cost.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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