

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.40203 of 2016

ORDER: (per Justice Sanjay Kumar)

The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order, Orders or Directions more particularly one in the nature of Writ of Mandamus, declaring challenging the action of the respondent bank in issuing notice dated 01.07.2016 threatening to the petitioners to publish the photographs of the petitioners in the news papers with names, address, details of the dues etc., and also notice published dated 13.10.2016 as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent bank not to publish the photographs and names of the petitioners in the news papers or send any notices to the petitioners and to pass such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The cause regarding publication of the photographs of the petitioners by the secured creditor in newspapers stands settled by the order dated 19.07.2017 passed by this Court in W.P.No.21851 of 2013 and batch. By the said order, this Court took note of the guidelines framed by the Reserve Bank of India stipulating the circumstances in which a secured creditor could classify a borrower as a wilful defaulter and thereafter take recourse to publication of his photograph in newspapers.

This writ petition is accordingly disposed of on the same lines and in terms of the aforestated order directing the Indian Overseas Bank, the respondent, to abide by and adhere to the guidelines framed by the Reserve Bank of India on the said issue.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

J. UMA DEVI, J

Date: 06.11.2017
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