

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

Writ Petition No.21570 of 2016

ORDER: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

The relief sought for in this Writ Petition is to declare the action of the respondent-Bank in not deleting the name of the petitioner-Society, from the list of wilful defaulters in its website, as illegal and arbitrary.

The case of the petitioner-Society is that they had questioned the e-auction notice issued by the respondent-Bank on 17.02.2014 by way of W.P.No.8594 of 2014; this Court had, by its order dated 24.03.2014, directed that, on deposit of Rs.30.00 Lakhs, the auction shall be stayed; thereafter the petitioner-Society had cleared the entire dues; a certificate was also issued on 18.02.2016 that the loan Account No.3037020911 had been closed on 29.01.2016; this showed that the entire amount due has been paid; and yet the petitioner's name continues to be shown in the list of wilful defaulters in the website of the respondent-Bank.

Sri P.A.V.Bala Prasad, Learned Standing Counsel for the respondent-Bank, would submit that the respondent-Bank would verify the petitioner's claim; and, if all the dues payable to the respondent-Bank have been paid, the respondent-Bank would delete the petitioner's name from the list of wilful defaulters in its website; and if some amounts are still due from the petitioner-Society to the respondent-Bank, they will intimate the same to the petitioner-Society.

In view of the submission of Sri P.A.V.Bala Prasad, Learned Standing Counsel for the respondent-Bank, the Writ Petition is disposed of directing the respondent-Bank to verify whether all the

dues payable by the petitioner-Society have been paid; and if it has been so paid, to then consider deleting the name of the petitioner-Society in the list of wilful defaulters in the website of the respondent-Bank at the earliest, and in any event within six weeks from today. If the petitioner-Society is still due any amount, the respondent-Bank shall intimate the same to the petitioner-Society within the aforesaid period.

The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 20.04.2017.

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