

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

Civil Writ Petition No.23134 of 2016
Date of decision: February 13, 2017

Rachna Garg and another

....Petitioners

versus

State Bank of Patiala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Avnish Mittal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

The prayer made in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari quashing the letter dated 08.04.2015 (**Annexure P-43**) issued by the respondent-Bank, to the extent of including the names of the petitioners in the list of willful defaulters; quashing the impugned letter dated 07.07.2015 (**Annexure P-46**), issued by the respondent-Bank whereby the appeal-cum-representation filed against the impugned orders dated 08.04.2015 was rejected and also quashing the letter dated 14.10.2016 (**Annexure P-50**) issued by respondent No.2, to the extent that the names, address and photographs of the petitioners have been threatened to be published in the leading newspapers, contrary to their fundamental rights enshrined under Article 21 of the Constitution of India, contrary to the guidelines dated 01.07.2015 (**Annexure P-59**) issued by the Reserve Bank of India and the observations of the Hon'ble Kerala, Calcutta and Bombay High Courts vide judgments/orders dated 03.08.2013, 04.07.2013, 20.01.2015 and 05.05.2016 (**Annexures P-60 to P-63** respectively).

2. At the very outset, learned counsel for the petitioners submitted that during the pendency of the writ petition, petitioner No.1 has since resigned from the Trust in respect of which the recovery of loan was pending. In view thereof, it was prayed that he may be allowed to withdraw the present writ petition at this stage. However, a prayer was made that the permission be granted to the petitioners to approach the appropriate authority by filing a detailed and comprehensive representation along with the relevant supporting material in respect of the claim made in this writ petition. It was also prayed that a time bound direction be issued to the said respondent to decide the same after affording an opportunity of hearing to them in accordance with law.

3. Dismissed as withdrawn. It shall, however, be open to the petitioners to file a detailed and comprehensive representation along with the relevant supporting material to substantiate their claim as made in the present writ petition before the appropriate authority (Bank) and in the event of representation being filed by them, the same shall be decided by the authority concerned expeditiously in accordance with law by passing a speaking order and after affording an opportunity of hearing to them.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

February 13, 2017
sonia gugnani

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No