

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.200 of 2017 and
CMP No.3185 of 2017

R.S.Lenin Appellant/Petitioner

-vs-

1. The Zonal Manager,
M/s.Bank of Maharashtra,
Chennai Zonal Office,
No.4, Sivagnanam Road, T. Nagar,
Chennai - 600 017.
2. The General Manager,
Credit Monitoring,
M/s.Bank of Maharashtra,
Lok Mangal, 1501, Sivaji Nagar,
Pune - 411 005.
3. The Assistant General Manager (Law, CLO & CPO),
M/s.Bank of Maharashtra,
Lok Mangal, 1501, Sivaji Nagar,
Pune - 411 005.
4. V.Ramchandran ... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.11.2016 made in W.P.No.11539 of 2016.

W.P.No.11539/2016:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned proceedings of the Cautionary list issued by the second respondent M/s.Bank of Maharashtra vide letter Ref No.AX1/Cr.Mon/Third Party Entity/2015-16 letter dated 21.11.2015 and Quash the same and consequently direct the respondents to include the same of the petitioner in the Panel of Valuers.

For Appellant : Mr.R.Bharath Kumar

For Respondents: No appearance for R1 to R3

J U D G M E N T

[Judgment of the Court was delivered by

R.SUBRAMANIAN,J.]

The appellant challenges the order of the learned single Judge made in W.P.No.11539 of 2016 dated 7.11.2016, in and by which, the writ petition filed by the appellant, challenging the communication blacklisting the appellant as a Panel Valuer by the respondent Bank through Indian Bank's Association, was dismissed.

2. The appellant, who is a registered Valuer was functioning as a Panel Valuer for the respondent Bank. Citing certain irregularities in his valuation relating to certain properties, the respondent bank has advised the Indian Banks Association to blacklist the appellant from the list of valuer maintained by the Indian Bank's Association. The said communication was issued on 21.11.2015. Claiming that the appellant was not put on notice before issuing the said communication and that the charges made against him do not relate to his function as a valuer, the appellant had filed the writ petition.

3. The writ petition was opposed by the respondent Bank contending that there was dereliction of duty on the part of the appellant, as he had simply followed the valuation given by the borrower for the purpose of grant of loan. The learned single Judge after hearing both sides came to the conclusion that the communication dated 21.11.2015 does not affect the credentials of the appellant and more so, the appellant has also not produced any letter to show that the respondent Bank has blacklisted him, dismissed the writ petition. Hence, the appellant is before us by way of this intra court appeal.

4. We have heard Mr.R.Bharath Kumar, learned counsel appearing for the appellant. Despite notice, there is no representation for the respondent Bank.

5. Admittedly, the letter dated 21.11.2015 addressed to Chief Executive, Indian Banks Association by the respondent Bank

recommends blacklisting of the appellant. The cautionary list of Indian Banks Association is followed by other banks while empaneling the valuers. It is also the admitted case of the parties that no notice was given to the appellant prior to the communication dated 21.11.2015. Though the proceedings dated 21.11.2015, on the face of it appears to be a communication by the respondent Bank to the Indian Banks Association, the same will undoubtedly result in civil consequences, as other Banks, which are members of the Indian Banks Association, will follow the said communication and the cautionary list published by the Indian Banks Association will be based on the said communication. This would definitely prejudice the appellant's chances of being engaged as Valuer by other Banks.

6. In the light of such consequences, we are of the considered opinion that the respondent Bank should have issued notice to the appellant before advising the Indian Banks Association to place the appellant on blacklist through the cautionary list issued by the Indian Banks Association. We are therefore of the view that the order of the learned single Judge has to be interfered with.

7. Accordingly, the intra court appeal is allowed. The letter dated 21.11.2015 is quashed. The writ petition in W.P.No.11539 of 2016 stands allowed. It will however be open to the respondent Bank to take appropriate proceedings after issuing notice to the appellant and after giving him opportunity of being heard. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

To

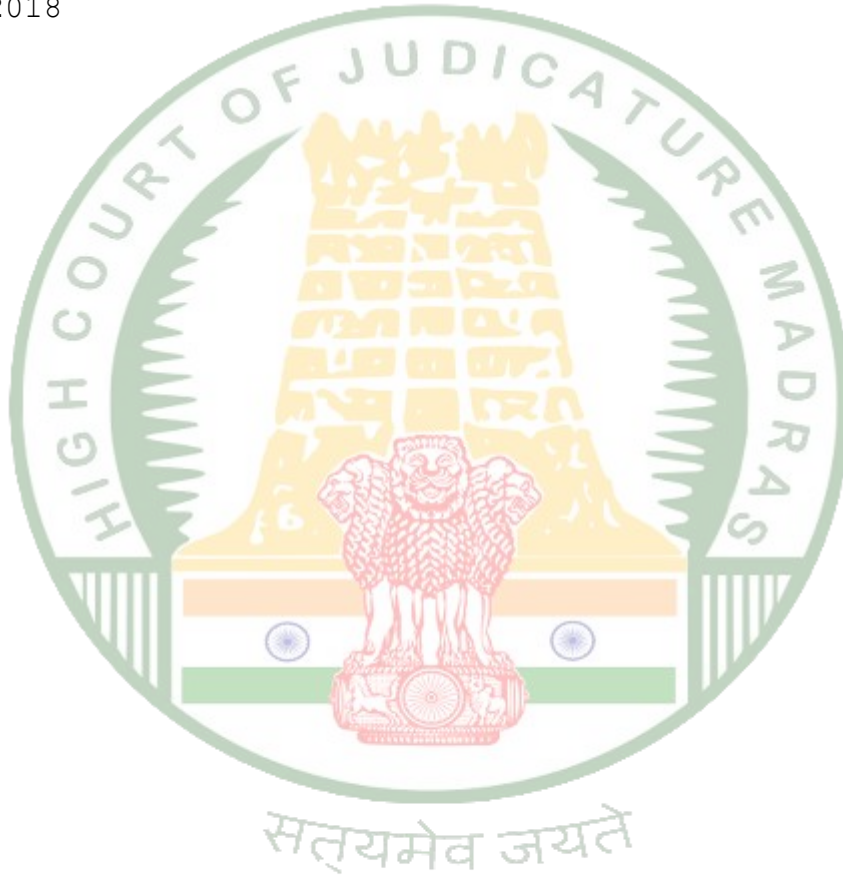
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+1cc to Mr.S.P.Chockalingam, Advocate sr.no.50249
+1cc to Mr.Praveen Alexander, Advocate sr.no.50216

W.A.No.200 of 2017

mr(co)
nr 13/08/2018



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