

* HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

+ WRIT PETITION No. 1242 OF 2016

% 19-04-2018

M. Srinivasa Rao & Ors.

.. Petitioner

Vs.

\$ Bank of India, Khairtabad Branch,
Hyderabad.

... Respondent

! Counsel for the petitioners : Mr.G.Gopalakrishna & Mr.N.Santosh Reddy

^ Counsel for the Respondent : Mrs. Y. Dyumani

< Gist :

> Head Note :

? CITATIONS :



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ORDER:

The petitioners 1 to 5 have filed this writ petition in the nature of writ of mandamus to declare the impugned notice dated 01/01/2016 issued by the respondent-bank threatening to publish petitioners photographs along with petitioners details in widely circulated news papers for the outstanding amount of Rs.one crore if not paid immediately as illegal, arbitrary and violative of Article 21 of the Constitution of India and also sought for a direction to the respondent/bank to follow due process of law available for recovery of the loan amount.

2. Counsel for the petitioners absent and no representation on behalf of the petitioners.

3. Heard the arguments of Mrs. Y.Dyumani, learned standing counsel appearing on behalf of Bank of India/respondent.

4. The brief facts of the case are that the petitioners 1, 2 and 3 are the Directors of M/s. Dhana Energy Private Limited, which was established in the year 2010. They are the manufacturers of Electronic Electricity Consumption recording Meters [energy household digital meters]. They supply the units to the State Electricity Departments and collect the electricity charges from the users. Like wise, the petitioners supplied huge stock to the Kerala State Electricity Power Distribution Limited to pay an amount of

Rs.1.5 crores to the petitioners. The petitioners have obtained credit facility from the respondent-bank and the respondent-bank has issued bank guarantee limit in favour of the National Small Industries Corporation Limited and the said beneficiary seems invoked the bank guarantee on 01/01/2016. The respondent-bank without waiting for the period issued a letter dated 01/01/2016 threatening to take action against the respondents.

5. The apprehension of the petitioners is that the respondent-bank is making publication of photos and the details showing them as defaulters. In the event of such publication showing their details their reputation in the society will be badly affected, therefore, the present writ petition is filed.

6. It is further stated that W.P.No. 6849 of 2014 has been filed and interim directions were granted by this Court on 10/03/2014 directing the respondent-bank not to publish any photographs of the petitioners. The petitioners sought similar relief in this writ petition also.

7. Having regard to the facts and circumstances of this case and in view of the submissions of the learned standing counsel for the respondent-bank and it is obvious that this Court vide order dated 19/01/2016 has granted interim relief in this writ petition, which reads as under:

“Aggrieved by the notice issued by the respondent-bank for recovery of the outstanding amount and for threatening the petitioners that their photographs would be published in the news papers, this writ petition is filed.

Hence, issue notice before admission.

Learned counsel for the petitioners is permitted to take out personal notice to the respondent-bank by RPAD and file proof of service.

Post after two weeks.

Meanwhile, the respondent-bank is directed not to publish the photographs of the borrowers and the guarantors in the news papers. However, the respondent-bank is at liberty to take appropriate steps including the proceedings under SARFAESI Act, for recovery of the outstanding amount.”

8. The above interim order granted by this Court would serve purpose in this writ petition and no further orders are required. However, it is made clear that the respondent-bank is at liberty to take appropriate steps under SARFAESI Act, for recovery of the outstanding amount and the respondent-bank is directed not to publish the photographs of the borrowers and guarantors in the news papers and also their details as it is violative of fundamental right of privacy guaranteed under Article 21 of the Constitution of India, except following due process of law.

9. With the above observation, this writ petition is disposed of at the stage of admission. No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition stand closed.

JUSTICE GUDISEVA SHYAM PRASAD

19/04/2018
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Date : 19/04/2018
Court Master: I s L.