



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11246 of 2020

WEB COPY

J.Prabakaran

... Petitioner

Vs.

1.Small Industries Development Bank of India (SIDBI),
Rep by its General Manager,
Audit & Fraud Management Cell,
SIDBI Head office,
SIDBI Tower, 15, Ashok Marg,
Lucknow - 226 001, Uttar Pradesh.

2.Indian Banks Association,
Rep by its Chairman,
World Trade Center,
6th Floor,
Centre I Building,
World Trade Centre Complex,
Cuff Parade,
Mumbai - 400 005.

... Respondents

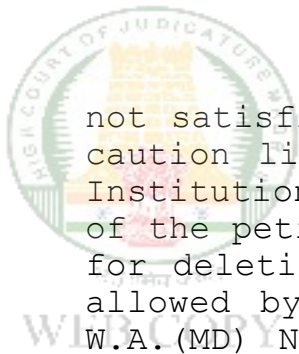
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to remove the petitioner's name from the caution list maintained by them as per the order dated 17.12.2018 passed by this Court in W.A. (MD) No.1640 of 2018, within the time frame fixed by this Court.

For Petitioner : Mr.R.Subramanian
For R1 : Mr.J.Alaguram Jothi

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Standing Counsel appearing for the first respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Considering the facts and circumstances of the case, notice to the second respondent is dispensed with.

2.The petitioner is a practising Lawyer. He was a panel Lawyer for the first respondent Bank. It appears that the legal opinion given by him turned out to be incorrect. Because, the documents furnished by the Bank customer were bogus. Though the petitioner explained his side of the case, the first respondent was



not satisfied with the same and placed the petitioner's name in the caution list. If the name appears in the caution list, then other Institutions will not engage the petitioner. Since the civil rights of the petitioner were infringed, he filed W.P.(MD) No.1070 of 2018, for deleting his name from the caution list. The Writ Petition was allowed by order dated 31.07.2018. The first respondent preferred W.A.(MD) No.1640 of 2018. The Writ Appeal came to be dismissed on 17.12.2018. It is now fairly submitted by the learned counsel appearing for the first respondent that the order made in the Writ Appeal has become final and was not put to further challenge. The grievance of the petitioner is that even though the order dated 17.12.2018 in W.A.(MD) No.1640 of 2018 had attained finality, still his name continues to be reflected in the caution list maintained by the second respondent. Therefore, this Writ Petition has been filed.

3.The learned counsel appearing for the first respondent informs the Court that as early as on 07.06.2019, the first respondent has written to the second respondent for deleting the name of the petitioner from the caution list and they cannot be expected to do anything more. Since the order made in the Writ Appeal had attained finality and since the first respondent themselves had addressed the second respondent for deleting the petitioner's name from the caution list, I am of the view that direction can be straightaway issued to the second respondent.

4. Hence, the second respondent is directed to remove the petitioner's name from the caution list maintained by them forthwith and without any delay. Though the second respondent was not a party to the earlier proceedings, still the second respondent is squarely bound by the outcome. Not doing so, will amount to contempt of Court. Therefore, the second respondent shall remove the petitioner's name from the caution list without any further delay. The first respondent will take up the matter and ensure that the order passed by this Court is complied with by the second respondent immediately.

5. With these directions, the Writ Petition is allowed. There shall be no order as to costs.

Sd/-

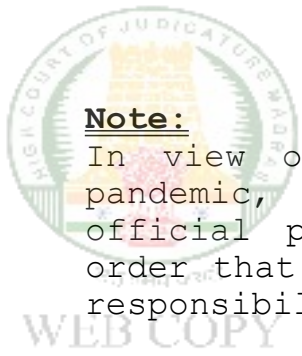
Assistant Registrar (Ad-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The General Manager,
Small Industries Development Bank of India (SIDBI),
Audit & Fraud Management Cell,
SIDBI Head office,
SIDBI Tower, 15, Ashok Marg,
Lucknow - 226 001, Uttar Pradesh.

2.The Chairman,,
Indian Banks Association,
World Trade Center,
6th Floor,
Centre I Building,
World Trade Centre Complex,
Cuff Parade,
Mumbai - 400 005.

+1CC to Mr.R.SUBRAMANIAN, Advocate (SR-16314[F] dated 09/09/2020)
+1CC to Mr.J.ALAGURAM JOTHI, Advocate (SR-16442[F] dated 10/09/2020)

W.P. (MD)No.11246 of 2020
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CS (14.09.2020) 3P 5C