

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6896 of 2021

Y.Shivaram Prasad

... petitioner

vs

- 1 Indian Overseas Bank
Identification Committee Stressed Assets
Management Department
PB NO.3765 763 Anna Salai
Chennai- 600 002 Tamil Nadu.
- 2 Indian Overseas Bank
Large Corporate Branch R.S.Puram
Coimbatore-641 002.... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Identification Committee of Indian Overseas Bank (1st Respondent) in the Impugned Order dated 05.02.2021 and quash the same as Violative of natural justice illegal arbitrary, unconscionable and issued without regard to due process of law and pass.

For Petitioner : Mr.R.Vidhya Shankar

ORDER

(made by the Hon'ble Chief Justice)

The petitioner challenges a notice dated February 5, 2021, issued by Indian Overseas Bank inviting the petitioner to appear before a review committee for the review committee to pass an order as to whether the petitioner ought to be branded as a wilful defaulter as per the relevant guidelines.

2. The petitioner says that there is no basis to the notice being issued and the bank has erroneously relied on an audit report without taking into consideration the qualifications contained therein.

3. Ordinarily, this jurisdiction is not open to receive challenges against show-cause notices, particularly since a

show-cause notice does nothing more than invite the recipient thereof to furnish an explanation and the consideration is postponed to another date or before another body. It is not as if the petitioner has been branded as a wilful defaulter by the impugned notice, but only that a preliminary view has been taken for the appropriate committee of the bank to consider the matter upon the petitioner furnishing appropriate material in response to the notice.

4. Petitions against show-cause notices, first information reports and the like are generally not entertained in this extraordinary jurisdiction since they do not cause any immediate prejudice and since there is a further forum before which the petitioner may present the petitioner's case. There are recognized exceptions, however to the principle, particularly when the show-cause notice is shown to be completely absurd or without jurisdiction or the like.

5. In the present case, it cannot be the petitioner's contention that the notice has been issued without jurisdiction or that the petitioner had no transaction with the bank and the notice has to be regarded as having been issued without application of mind.

6. Since there is a remedy available to the petitioner before the review committee, upon the petitioner furnishing the papers sought and, in any event, the petitioner has not been branded as a wilful defaulter as yet, there is no question of entertaining this petition on merits and the petitioner is left to work the matter out before the review committee of the bank, in accordance with law.

7. W.P.No.6896 of 2021 is disposed of without going into the merits of the grievance. There will be no order as to costs. Consequently, W.M.P.No.7439 of 2021 is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

tar

To:

- 1 Indian Overseas Bank
Identification Committee Stressed Assets
Management Department
PB NO.3765 763 Anna Salai
Chennai- 600 002 Tamil Nadu.

2 Indian Overseas Bank
Large Corporate Branch
R.S.Puram
Coimbatore-641 002.

+1cc to Mr.Vidhya Sankar, Advocate, S.R.No.17025

W.P.No.6896 of 2021

LN(CO)
GN(30/03/2021)



WEB COPY