



W.P(MD)No.16552 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.16552 of 2018
and
W.M.P(MD)Nos.14638 & 14639 of 2018**

1.M/s.Ponnaiyah Ramajayam Institute
of Science & Technology (PRIST) Trust,
No.33-34, Natarajapuram South,
Medical College Road,
Thanjavur – 613 009.

2.P.Murugesan

3.M.Menaka

4.M.Nageshwaran

5.S.Manimekalai

6.M.Padmasri

7.K.Shyamala

... Petitioners

vs.

1.The Deputy General Manager/ Zonal Manager,
Indian Bank, Zonal Office,
Besant Road, Kumbakonam

2.The Branch Manager,
Easwari Nagar Branch,
Indian Bank,
Plot.No.20/1, to 20/8, Natarajapuram South Colony,
Medical College Road, Thanjavur-7.



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- 3.Sri Kishor Kharat,
Managing Director & Chief Executive Officer,
Corporate Office, Indian Bank,
Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.
- 4.Sri.G.Lakshmipathi Reddy,
General Manager, Credit Department ,
Corporate Office, Indian Bank,
Chennai-600 014.
- 5.Sri.P.Venkatesa Perumal,
General Manager, Recovery Department,
Corporate Office, Indian Bank,
Chennai-600 014.
- 6.Sri.A.Ganesa Raman,
Deputy General Manager / Zonal Manager,
Zonal Office, Indian Bank, Moopanar Arcade,
Besant Road, Kumbakonam-612 501.
- 7.Smt. Jayalakshmi
AGM / Branch Manager, Indian Bank,
Easwari Nagar Branch,
Medical College Road,
Thanjavur-613 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the first respondent in ZOK:LEGAL:WD-01: 2018-19 dated 09.04.2018 and the impugned proceedings of the second respondent dated 30.04.2018 quash the same consequently direct the respondents 1 to 7 herein to pay Rs.1 crore each to the petitioners 2 to 7 with interest at 24% p.a from 25.06.2018 till realization and with cost.



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For Petitioners : Mr.K.K.Mahesh Raja
For RR 1 & 2 : Mr.Pala Ramasamy
Additional Government Pleader
For R – 6 : Mr.P.V.Muralidhar
No appearance
For RR 3 to 7 : No appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the first respondent in ZOK:LEGAL:WD-01: 2018-19 dated 09.04.2018 and the impugned proceedings of the second respondent dated 30.04.2018 and consequently directing the respondents 1 to 7 herein to pay Rs.1 crore each to the petitioners 2 to 7 with interest at 24% p.a from 25.06.2018 till realization and with cost.

2.The second respondent Bank filed a counter-affidavit, wherein in paragraph No.21, it is stated as follows:-



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"21..... The photographs were published in the newspapers after giving notice dated 30.04.2018 to the petitioners. The photographs were published two months thereafter. Thus, our Bank has followed the provisions prescribed by RBI and acted accordingly and there is no malafide intention. Our Division Bench in "K.G.Duraisamy Vs. State Bank of India reported in (2006) 5 CTC 829" as held as follows in para No.30:-

(i) Thus the Statutory rules themselves provide for a notice not merely to the defaulting borrower, but also to the public in general. Therefore, the threat held out by the Bank to publish the photograph of the borrower and the surety, is also authorized by the statutory rules.

(ii) Hence, I find no violation of any right or legal provision in the threat held out by the respondent Bank to publish the photographs of the borrower and the surety for the non repayment of the loan."

3.In view of the specific stand taken by the respondent Bank in the counter-affidavit, the relief sought for in the Writ Petition has become infructuous.



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4. Accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [L.V.G.,J.]
09.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

To

1. The Deputy General Manager/ Zonal Manager,
Indian Bank, Zonal Office,
Besant Road, Kumbakonam
2. The Branch Manager,
Easwari Nagar Branch,
Indian Bank,
Plot.No.20/1, to 20/8, Natarajapuram South Colony,
Medical College Road, Thanjavur-7.
3. Sri Kishor Kharat,
Managing Director & Chief Executive Officer,
Corporate Office, Indian Bank,
Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.
4. Sri.G.Lakshmipathi Reddy,
General Manager, Credit Department ,

5/7



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Corporate Office, Indian Bank,
Chennai-600 014.

- 5.Sri.P.Venkatesa Perumal,
General Manager, Recovery Department,
Corporate Office, Indian Bank,
Chennai-600 014.
- 6.Sri.A.Ganesa Raman,
Deputy General Manager / Zonal Manager,
Zonal Office, Indian Bank, Moopanar Arcade,
Besant Road, Kumbakonam-612 501.
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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.16552 of 2018

DATED : 09.02.2023