



W.P.(MD).No.28618 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28618 of 2023

and

W.M.P(MD) Nos.24681, 24682 and 25078 of 2023

R.Jegatheeswari
W/o.Sundar,
The Commissioner of Sattur Municipality,
Sattur,
Virudhunagar District.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Commissioner of Provident Fund Assistant District Office,
A.K.M.Complex,
Old Virudhunagar Road,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent proceedings MD/MDU/DO/SVK/91193/7A proceedings/M-10/Diary No.377/2023, dated 04.09.2023 quash the same and consequently direct the respondent to accept the petitioner installment basis by considering the petitioner's representation



W.P.(MD).No.28618 of 2023

dated 15.11.2023.

(Prayer is amended vide order of this Court, dated 07.12.2023 in W.M.P(MD) No.25077 of 2023 in W.P(MD) No.28618 of 2023)

For Petitioner : Mrs.A.Banumathy

For Respondent : Mr.V.S.Karthi
Standing Counsel

ORDER

The present writ petition has been filed by the Commissioner of Municipality challenging the order of recovery initiated by the Employees Provident Fund Organization by freezing the bank accounts.

2. In the order impugned in the writ petition, the petitioner Municipality has been directed to pay a sum of Rs.36,29,814/- (Rupees Thirty Six Lakhs Twenty Nine Thousand Eight Hundred and Fourteen only). A sum of Rs.14,24,265/- (Rupees Fourteen Lakhs Twenty Four Thousand Two Hundred and Sixty Five only) has been debited from the bank account of the Municipality. For non-payment of the balance amount, the entire bank account of Municipality has been frozen. Now, the present writ petition has been filed challenging the order demanding contribution and also the



W.P.(MD).No.28618 of 2023

recovery order.

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3. In view of the fact that the petitioner Municipality has agreed to pay the balance amount in installments, this Court is not inclined to go into the issue of validity of the original order demanding contribution.

4. Considering the fact that the petitioner is a local body and any freezing of the bank account would affect the general public of the concerned Municipality, this Court is inclined to pass the following orders:

(i) The balance amount of Rs.22,05,549/- (Rupees Twenty Two Lakhs Five Thousand Five Hundred and Forty Nine only) shall be paid by the petitioner Municipality in equal 10 monthly installments starting from 10th day of January 2024;

(ii) Every monthly installments shall be paid on or before 10th day of every month;

(iii) In case of any default of any one of the installments, the authorities are at liberty to proceed further in accordance with law; and

(iv) In case, the petitioner Municipality deposits a sum of Rs.2,00,000/- (Rupees Two Lakhs only), on such deposit, the authorities are directed to cancel the freezing of the bank account. The balance amount



W.P.(MD).No.28618 of 2023

shall be paid in 10 equal monthly installments.

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5. With the above said observations, this Writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous petitions are closed.

07.12.2023

2/2

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
The Assistant Provident Fund Commissioner,
Commissioner of Provident Fund Assistant District Office,
A.K.M.Complex,
Old Virudhunagar Road,
Sivakasi,
Virudhunagar District.



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W.P.(MD).No.28618 of 2023

R.VIJAYAKUMAR,J.

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W.P(MD)No.28618 of 2023

07.12.2023

2/2