



W.P(MD)No.19003 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19003 of 2023

and

W.M.P.(MD).No.15782 of 2023

M/s.Thomas Spinning Mills India Private Limited,
represented by M.Saravanakumar,
Manager

... Petitioner

Vs

The Recovery Officer,
Office of the Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office (Madurai),
2nd West Street,
K.K.Nagar,
Madurai-625 020.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned recovery order of the respondent in Ref. 57/RRC/00/047411/000 /0101/SRO/MDU/2023 dated 19.06.2023 quash the same and consequently forbear the respondent from in any manner initiating recover proceedings without due compliance of the order of this Court in Paras 9 and 10 of the order dated 13.12.2021 made in W.P.(MD).No.21218 of 2021.



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For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.R.Ravikumar

ORDER

This Writ Petition has been filed challenging the impugned recovery order of the respondent in Ref. No.57/RRC/00/047411/000/0101/SRO/MDU/2023 dated 19.06.2023 and consequently to forbear the respondent from initiating any recovery proceedings without due compliance with the directions issued by this Court in paragraphs 9 and 10 of the order dated 13.12.2021 passed in W.P.(MD) No.21218 of 2021.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that an identical recovery notice issued by the respondent was earlier challenged before this Court in W.P.(MD) No.21218 of 2021. This Court, by order dated 13.12.2021 set aside the said notice and directed the respondent to conduct fresh enquiry, after affording the petitioner an opportunity of personal hearing, and thereafter pass appropriate orders in accordance with law. However, without complying with



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WEB COPY the said directions, the respondent has once again issued the impugned recovery order dated 19.06.2023. Hence, the present Writ Petition has been filed challenging the same.

4. Per contra, the learned counsel appearing for the respondent fairly submitted that the directions issued by this Court in W.P.(MD) No.21218 of 2021, dated 13.12.2021, have not been complied with before passing the impugned recovery order. Therefore, the respondent has no serious objection if the impugned order is set aside and liberty is granted to the respondent to issue a fresh notice, conduct an enquiry by affording the petitioner an opportunity of personal hearing, and thereafter pass appropriate orders strictly in accordance with law and in terms of the earlier order of this Court.

5. In view of the above submission made by the learned counsel appearing for the respondent, the impugned recovery order in Ref. No. 57/RRC/00/047411/000/0101/SRO/MDU/2023 dated 19.06.2023 is set aside. Liberty is granted to the respondent to issue a fresh notice to the petitioner, conduct an enquiry after affording due opportunity of hearing, and thereafter pass



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appropriate orders on merits and in accordance with law, keeping in mind the directions issued by this Court in its earlier orders.

6. Accordingly, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
TSG

To

The Recovery Officer,
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M.DHANDAPANI, J.

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