



W.P(MD)No.23572 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23572 of 2023

and

WMP (MD) Nos.19766 & 19767 of 2023

Dr.Radhakrishnan Vidhyalaya Matriculation
Higher Secondary School
Rep. by the Correspondent
A.R.Malairajan

... Petitioner(s)

vs.

1. The Deputy Director,
The Employees State Insurance Corporation,
The Sub Regional Office,
2nd West Street,
K.K.Nagar,
Madurai District 20.

2. The Recovery Officer,
The Employees State Insurance Corporation,
The Sub Regional Office,
2nd West Street,
K.K.Nagar,
Madurai District 20.

3. The Branch Manager,

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State Bank of India,
Sattur Branch,
Beechi Comp,
Sattur,
Virudhunagar District 626 124.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Garnishee Order in no. 57/RRC/00/076321/000/1018/SRO/MDU dated 07.08.2023 on the file of the respondent no. 2 and quash the same as illegal and consequently directing the respondents not to take any coercive step in light of Interim order in C.M.P(MD). 10957/2023, W.A.(MD) 1398/2023 dated 31.08.2023.

For Petitioner	: Mr. I.Robert Chandra Kumar
For R1 & R2	: Mr.I.Pinaykash
For R3	: Mr.V.P.Rajan

ORDER

This writ petition has been filed challenging the garnishee order dated 07.08.2023 passed by the second respondent and for a consequential direction to the respondents not to take any coercive step in light of Interim order in C.M.P(MD). 10957/2023, W.A.(MD) 1398/2023 dated 31.08.2023



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2. The case of the petitioner is that the petitioner school was established in memory of the former President of India, Dr. Sarvepalli Radhakrishnan. The school caters to the educational needs of poor, working-class and middle-class students residing in and around the nearby villages. It is the further case of the petitioner that alleging non-payment of Employees' State Insurance (ESI) contributions, the respondent straightaway initiated recovery proceedings by issuing a Recovery Certificate. Challenging the said Recovery Certificate, the petitioner filed W.P. (MD) No.26156 of 2022 before this Court. Aggrieved by the order passed therein, the petitioner preferred W.A.(MD) No. 1398 of 2023. The Division Bench of this Court, by order dated 31.08.2023, granted interim stay of the recovery proceedings on condition that the petitioner deposits 50% of the demanded amount. Despite the interim order granted by the Division Bench, the respondent, without taking note of the same, proceeded to issue the impugned garnishee order against the petitioner. Challenging the said garnishee order, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner submitted that, once the Division Bench had granted interim protection subject to deposit of 50% of the demand, the respondent ought not to have proceeded with the garnishee proceedings. Therefore, the impugned garnishee order is liable to be set aside.

4. Per contra, the learned counsel appearing for the respondent submitted that the interim order granted by the Division Bench was conditional upon the petitioner depositing 50% of the demanded amount. Admittedly, the petitioner failed to comply with the said condition. Consequently, the interim protection stood vacated and there was no legal impediment for the respondent to proceed with the recovery by issuing the garnishee order. Therefore, the impugned order does not warrant interference. Accordingly, he prayed for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions and perused the materials available on record.



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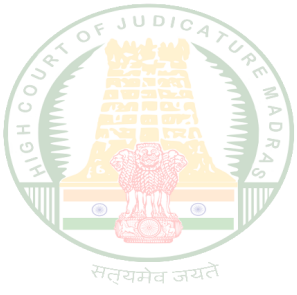
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6. Admittedly, the interim order granted by the Division Bench was subject to the condition that the petitioner should deposit 50% of the demanded amount. No material has been placed before this Court to establish that the petitioner complied with the said condition. In the absence of proof of compliance, the petitioner cannot claim the benefit of the conditional interim order. Consequently, the respondent cannot be faulted for proceeding with the recovery proceedings by issuing the impugned garnishee order. Therefore, this Court finds no illegality or infirmity in the impugned garnishee order warranting interference under Article 226 of the Constitution of India.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition, if any, is closed.

22.07.2026

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.23572 of 2023**

DATED : 22.07.2026