

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 30160 of 2007 (M)

PETITIONER :

SECRETARY,
KOLLAYIL WEAVERS INDUSTRIAL CO-OPERATIVE SOCIETY
LTD. NO.H. IND. T.275, MANCHAVILAKOM P.O.
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT
(REPRESENTED BY ITS SECRETARY, T.SREEKUMARAN, NAIR).

BY ADVS.SRI.M.RAMACHANDRAN NAIR
SRI.R.V.ABHISHEK

RESPONDENT(S):

1. REGIONAL PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695 004.
2. RECOVERY OFFICER,
ASSISTANT PROVIDENT FUND COMMISSIONER
OFFICE OF THE RECOVERY OFFICER
BHAVISHYANIDHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695 004.

R1 & 2 BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
R1 & 2 BY ADV. SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.30160/2007

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE MORTGAGE DEED NO.50/1974

EXT.P2: TRUE COPY OF THE WARRANT OF ATTACHMENT DT 24.8.2005

EXT.P3: TRUE COPY OF ORDER OF ATTACHMENT DATED 20.9.2005

EXT.P4: TRUE COPY OF THE MAHAZAR DATED 26.10.2005

EXT.P5: TRUE COPY OF THE PETITION TO the CHIEF MINISTER DT 5.7.2006

EXT.P6: TRUE COPY OF THE SUMMONS FROM JUDICIAL FIRST CLASS MAGISTRATE
COURT II NEYYATTINKARA

EXT.P7: TRUE COPY OF THE LETTER FROM MD DATED 5.1.2007

EXT.P8: TRUE COPY OF THE LETTER FROM PRINCIPAL SECRETARY, DT 16.1.2007

EXT.P9: TRUE COPY OF THE LETTER FROM JOINT SECRETARY, DT 14.2.02007

EXT.P10: TRUE COPY OF THE ORDER TO THE 3RD PARTY DT 20.4.2007

EXT.P11: TRUE COPY OF LETTER FROM G M DISTRICT CO OPERATIVE BANK DT 11.5.2007

EXT.P12; TRUE COPY OIF THE PROHIBITORY ORDER DT 23.5.2007

EXT.P13: TRUE COPY OF RECOVERY PROCEEDINGS DT 30.7.2007

EXT.P14: TRUE COPY OF THE SALE PROCLAMATION OF THE ASST. PROVIDENT FUND
COMMISSIONER DT 19.9.2007

EXT.P15: TRUE COPY OF THE REPRESENTATION TO THE ASST PF COMMISSIONER DT
3.10.2007

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 30160 of 2007

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioner only challenges the sale proclamation made by the Provident Fund Organisation as per Ext.P14 pursuant to an assessment made under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The orders which was the cause of action for the demand, has not been challenged herein. On admission this Court granted an interim order directing payment of Rs.1,00,000/- within two weeks on 11.10.2007. The same was extended on a further condition that Rs.25,000/- would be paid every month, on the first working day. The same having been once extended and even then not complied with, the interim order stood vacated on 2.02.2008. In such circumstance, nothing survives in the writ petition. Writ petition is dismissed. The respondent Organisation is entitled to proceed for recovery as it deems fit under the provisions of the Act.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge