

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.2690 of 2014 and MP.Nos.1 and 2 of 2014

P.S.Ashok Kumar

...Petitioner

Vs

1.The Assistant Provident Fund
Commissioner, Employees' Provident
Fund Organisation, Regional Office,
Coimbatore-18.

2.The Recovery Officer, Employees' Provident
Fund Organisation, Regional Office,
Coimbatore-18.

3.The Sub-Registrar, Udumalpet.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the second respondent from attaching the properties viz. lands comprised in Survey Nos.133/4, 133/5, 133/9, 133/10, 133/7, 133/11, 133/12 and 133/13 situated in Pukkulam Village, Udumalaipettai relating to the undetermined imaginary amounts of Rs.19,35,553/- and Rs.17,92,179/- stated in the order of attachment dated 9.3.2010 bearing No.TN/CBE/RECOVERY/EPF.CP-16/1853/2010 or from making recovery of the said sums from the petitioner in any other manner.

For Petitioner : Mr.D.Abdullah

For Respondents 1 & 2 : Mr.K.Gunasekar, SCGSC

For Respondent-3 : Mr.R.Rajeswaran, SGP

ORDER

Heard Mr.D.Abdullah, learned counsel for the petitioner, Mr.K.Gunasekar, learned Senior Central Government Standing Counsel for respondents 1 and 2 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the third respondent.

2. The petitioner has filed this writ petition praying for the issuance of a Writ of Mandamus to direct the second respondent to lift the order of attachment dated 9.3.2010 made

in respect of the properties in Survey Nos.133/4, 133/5, 133/9, 133/10, 133/7, 133/11, 133/12 and 133/13 situated in Pukkulam Village, Udumalaipettai. According to the petitioner, so far as the other amounts, which are due, are concerned, the petitioner/purchaser has paid the same as per the demand raised by the respondent - Organisation. So far as the demand for damages under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, is concerned, it is stated that there was no proceedings issued against the management in respect of such demand. Therefore, the question of demanding damages under Section 14-B of the Act or under Section 17-Q of the Act for the period from November 2001 to August 2005 does not arise.

4. In this regard, the petitioner has submitted that a detailed representation was made to the second respondent on 7.12.2013 seeking to restrict/alter the attachment order dated 9.3.2010.

5. Since the said representation dated 7.12.2013 is pending before the second respondent, it is appropriate for the second respondent to consider the same and pass orders thereon.

6. In the result, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 7.12.2013 on merits and pass appropriate orders thereon in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner. No costs. Consequently, the above MPs are closed.

Sd/-
Assistant Registrar(CCC)

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RS
To

Sub Assistant Registrar

- 1.The Assistant Provident Fund Commissioner, Employees' Provident Fund Organisation, Regional Office, Coimbatore-18.
 - 2.The Recovery Officer, Employees' Provident Fund Organisation, Regional Office, Coimbatore-18.
 - 3.The Sub-Registrar, Udumalpet.
- + 1 cc to Mr.K. Gunasekar, Advocate SR.62393
+ 1 cc to Mr.D. Abdullah, Advocate Sr.62409
+ 1 cc to Government Pleader sr.62612

W.P.No.2690 of 2014 &
MP.Nos.1 and 2 of 2014

LRS (CO) EU 15.12.15