

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.20140 of 2015

M/s. Booma Realty Private Ltd
rep by its Director
P.K.Ganeshwar
No.21, Pollachi road
Palladam
Tiruppur District

...Petitioner

Vs.

1. Mr.K.K.Jalan
Central Provident Fund Commissioner
Central PF Commissioner Office
Bihiji Cama Place
New Delhi

2.Mr.O.K.Anil
The Regional PF Commissioner
EPF Organization
Regional Office
Dr.Balasundaram Road
Coimbatore -18

3.The Recovery Officer
EPF Organization
Regional Office
Dr.Balasundaram Road
Coimbatore-18

4.The Sub-Registrar
Kaniyur
Udumalpet Taluk
Tiruppur District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to issue suitable orders to the 4th respondent to raise the attachment of the properties of the petitioner in S.F.Nos.101/A, 103/A1, 102/A2 of Agraharam, Kannadiputhur

Village (Krishnapuram in Madathukulam) Udumalpet Taluk,
Coimbatore District to an extent of 25.35 acres.

For Petitioner : Ms.S.Gunalan
For Respondents : Ms.R.Meenakshi for R2 and 3

Mr.R.Rajeswaran, Spl.G.P for R2

O R D E R

Petitioner establishment has filed this writ petition praying for issuance of writ of Mandamus to direct the respondents to issue suitable orders to the 4th respondent, The Sub-Registrar, Kanniyur, Udumalpet Taluk, to raise the attachment on the properties of the petitioner in S.F.Nos.101/A, 103/A1, 102/A2 of Agraharam, Kannadiputhur Village (Krishnapuram in Madathukulam) Udumalpet Taluk, Coimbatore District to an extent of 25.35 acres.

2. Petitioner's case is based on an order passed by the Appellate Tribunal, under the Employees Provident Fund Act, by which the Appellate Tribunal has granted relief to the petitioner. The said order passed by the Appellate Tribunal was subject matter of challenge by the EPF organization by filing a writ petition in W.P.No.15569 of 2012 which was dismissed by a common order dated 19.02.2013 along with W.P.No.34966 of 2012. The respondent organization has now preferred an appeal as against the same before the Hon'ble Division Bench in Writ Appeal No.1286 of 2013 which is still pending. That apart the learned counsel for the respondent organization submits that there were earlier orders and the petitioner also filed an appeal against the same before the Tribunal. However, these facts need not be gone into at this stage, and it is suffice to note that the matter is now ceased of by the Hon'ble Division Bench, hence whatever relief the petitioner's want, he can plead in the pending appeal, since the correctness of the orders passed in Writ petitions by order dated 19.02.2013 is being tested by the Hon'ble Division Bench.

3. Accordingly, writ petition is closed, leaving it open to the petitioner to move the Hon'ble Division Bench for appropriate order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kpr

To

1.The Central Provident Fund Commissioner
Central PF Commissioner Office
Bihiji Cama Place
New Delhi

2.The Regional PF Commissioner
EPF Organization
Regional Office
Dr.Balasundaram Road
Coimbatore -18

3.The Recovery Officer
EPF Organization
Regional Office
Dr.Balasundaram Road
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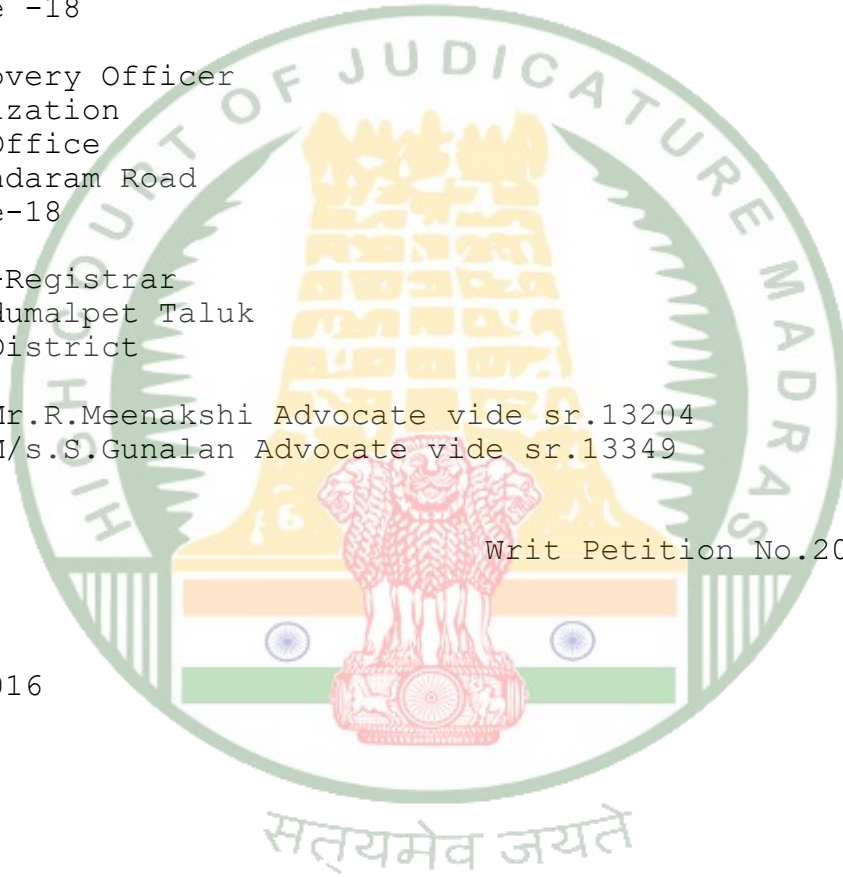
4.The Sub-Registrar
Kaniyur,Udumalpet Taluk
Tiruppur District

+1 cc to Mr.R.Meenakshi Advocate vide sr.13204

+1 cc to M/s.S.Gunalan Advocate vide sr.13349

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