

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.221 & 222 of 2016

and

WMP.Nos.126 & 127 of 2016

M/s.Gowri Lakshmi silks,
Represented by its Partner,
Mr.S.Singaravelu,
No.120, J.N. Street,
Puducherry 605 001.

...Petitioner in WP.221/16

M/s.Velan Silks,
Represented by its Partner,
Mr.S.Ananda Vadivelu,
No.116, J.N.Street,
Puducherry 605 001.

...Petitioner in WP.222/16

Vs.

1. The Commissioner,
Office of the Employees Provident
Fund Organisation,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry 605 004.

2. The Recovery Officer,
Office of the Employees Provident
Fund Organisation,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry 605 004.

3. M/s.M.S.T.C. Ltd.
represented by Chairman,
Leelavathy Building, 2nd Floor,
Aremenian Street, Chennai - 600 001.

... Respondents in both WPs

Prayer : Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records pertaining to the Proclamation of Sale dated 15.12.2015 in TBM/SRO/PCY/Recy-Cell/PC/824/2015 and TBM/SRO/PCY/Recy-Cell/PC/722/2015 respectively of the 2nd respondent and quash the same.

For Petitioners : Mr.G.Mohanakrishnan

For Respondents 1 & 2 : Mr.K.Ramu

COMMON ORDER

Heard the learned counsel for the petitioners and Mr.K.Ramu, learned Standing Counsel accepting notice for the respondents 1 & 2 and since the issue involved in these writ petitions is one and the same are disposed of by the following common order at the admission stage itself.

2.The petitioners are partnership firm engaged in the Retail Trade of Textiles especially silk garments. The orders impugned in these writ petitions are Proclamation of Sale dated 15.12.2015 issued by the 2nd respondent bringing the immovable properties for sale, for recovery of the dues payable by the petitioners under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

3.Taking into consideration of the fact that the petitioners are undergoing certain financial difficulties, this Court is inclined to grant some indulgence to the petitioners to enable them to remit the entire dues as demanded by the respondents within a time frame.

4.In the light of the above, the impugned Proclamation of Sale shall stand deferred for a period of six weeks from today. As rightly pointed out by the learned counsel for the respondents, the movable property which is sought to be brought for auction shall not be removed from the premises or in any manner, alienated or encumbered and shall be preserved in good condition.

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5. Accordingly, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Commissioner,
Office of the Employees Provident
Fund Organisation,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry 605 004.
2. The Recovery Officer,
Office of the Employees Provident
Fund Organisation,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry 605 004.

+2cc's to Mr.G.Mohanakrishnan, Advocate, S.R.No.672 & 671

+ 1 cc to Mr.K.Ramu, Advocate Sr 879 (23/2/16)

सत्यमेव जयते

W.P.Nos.221 & 222 of 2016

SCD(CO)
CA(06/01/2016)

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