



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23953 of 2016

and

W.M.P (MD) No.17284 of 2016

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M/s.Q.1255, Kurichi Primary
Agricultural Co-operative Society,
Kurichi, Ilayangudi Taluk, Kurichi Village,
Sivagangai District, Rep. by its Secretary ... Petitioner

vs.

The Recovery Officer,
Employees Provident Fund Organisation,
1, Lady Doak College Road,
Chokkikulam, Madurai-625 002. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the Respondent dated 07.11.2016 bearing No.MD/MDU/24881/RO/Recy/2016 and quash the same.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.K.Muralisankar, Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the proclamation of sale notice bearing No.MD/MDU/24881/RO/ Recy/2016, dated 07.11.2016, issued by the respondent.

2.On 14.12.2016, this Court passed the following order:-

"The petitioner has filed this writ petition challenging the proclamation of sale notice bearing No.MD/MDU/24881/RO/ Recy/2016, dated 07.11.2016, issued by the respondent. Admittedly, the petitioner has not paid the amount due to the Employees Provident Fund and the petitioner ought to have approached the authorities and thereafter, the Tribunal, challenging the original order. After allowing the entire process to take place at the time of proclamation, they have come to this Court, challenging the said proclamation of sale dated 07.11.2016, at the eleventh hour, when the date of sale is fixed at 14.12.2016 at 3.00 p.m.



2. Mr.R.Saravanan, learned counsel for the petitioner would submit that they are willing to pay the entire arrears amount together with accrued interest till the entire arrears are cleared, however, a direction may be issued to pay the amount in installments. Further, the learned counsel for the petitioner produced a communication dated 14.12.2016, sent by the petitioner, wherein they have stated that they are willing to pay the entire amount in installments.

3. This Court is not inclined to grant the relief sought for by the petitioner, since the respondent is to be heard. Hence, the learned counsel for the petitioner is directed to serve private notice to the Standing Counsel for the respondent, returnable by 22.12.2016. Till then, there shall be an order of status quo and Batta shall be filed on or before 19.12.2016, failing which, the interim order of status quo would stand automatically vacated without further reference to this Court.''

3.In the communication dated 14.12.2016 addressed by the Secretary of the petitioner society to the learned counsel for the petitioner, it has been stated that the petitioner is liable to pay Rs.19,00,858/- to the respondent/Employees Provident Fund Organisation, out of which, Rs.2,17,000/- had already been paid and the balance amount of Rs.16,83,858/- would be paid within a time frame to be fixed by this Court.

4.Learned counsel for the petitioner would submit that the petitioner may be permitted to pay the abovesaid amount to the respondent in instalments, for which course, learned standing counsel for the respondent has no objection.

5.Recording the submission made on either side, the petitioner is directed to pay the balance amount due to the respondent/Employees Provident Fund Organisation in twelve consecutive instalments. The first instalment shall commence by making payment on or before 10th January 2017 and the amount in each of the remaining instalments shall be paid on or before 10th of every succeeding months till the entire amount is paid. Till the instalments are completed, the impugned order shall be kept in abeyance. If the petitioner fails to make payment in any one of the instalments, the impugned order would be revived.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)No.17284 of 2016 is closed.

Sd/-
Assistant Registrar(Writs)



To

+1 cc to M/s.K.Murali Sankar, Advocate in SR.No.83121

+1 cc to M/s.R.Saravanan, Advocate in SR.No.82916

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TTN/10.01.2017 : 3P-3C

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