

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.792 of 2017
and
C.M.P.No.10885 of 2017

P.N.Shankar ... Appellant/Petitioner

-vs-

- 1.The Recovery Officer,
Employees Provident Fund Organisation,
Sub-Regional Office, 31, Filter Bed Road,
Vellore-632 001.
- 2.The Regional Provident Fund Commissioner,
Regional Office,
No.37, Royapettah High Road,
Chennai-600 014.
- 3.The Assistant Provident Commissioner
Employees Provident Fund,
Sub-Regional Office, Vellore. ... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.18688 of 2014 dated 23.03.2017.

WP 18688/2014 Prayer:

Writ of certiorarified Madamus to call for the records in impugned proceedings dated 20.05.2014 in No.TN/VLR/38629/Recovery/2013-2014 on the file of the 1st respondent and quash the same and direct the 1st respondent to revoke the order of attachment dated 22.01.2014 issued against the premises bearing Door No.177 Chinnakadai Veethi, Tiruppattur the individual property of the petitioner.

For Appellant : Mr.S.Sadasharam

For Respondents : Mr.K.Ramu

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

The appellant herein is the writ petitioner. This writ appeal has been filed challenging the dismissal of the writ petition filed by the appellant / writ petitioner in W.P.No.18688 of 2014 dated 23.03.2017.

2.The matter relates to attachment of the premises bearing Door No.177, Chinnakadai Veethi, Tiruppathur, which is the individual property of the appellant herein. It appears that towards recovery of the Provident Fund arrears from the father of the appellant, who was running a business establishment by name M/s.Shankar Traders, the the third respondent has passed an order on 30.03.2012. In furtherance of the same, an order of attachment was passed by the first respondent on 22.01.2014 followed by another order dated 20.05.2014 in No.TN/VLR/38629/Recovery/2013-2014. On the ground that the order dated 30.03.2012 passed by the third respondent cannot be made relatable to the appellant as at the relevant point of time, his father was the Proprietor who died thereafter, and hence, the first respondent cannot proceed against the individual property of the appellant, the appellant filed a writ petition in W.P.No.18688 of 2014 praying for quashing the proceedings of the first respondent dated 20.05.2014 and 22.01.2014.

3.The learned single Judge, by order dated 23.03.2017, dismissed the writ petition holding that this Court finds no merit in the writ petition. Challenging the said order, the appellant has come up with the present appeal.

4.When this writ petition is taken up, the learned counsel for the appellant has submitted that the appellant has no objection to proceed against the property available in the name of his father which is worth more than Rs.1 Crore and hence, for recovery of the arrears amount, the Department can work out its remedy which is permissible as per law.

5.The above submission made by the learned counsel for the appellant is recorded and it is for the respondent-Department to recover the arrears in question in accordance with law.

6.The writ appeal is disposed of accordingly. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Recovery Officer,
Employees Provident Fund Organisation,
Sub-Regional Office, 31, Filter Bed Road,
Vellore-632 001.
- 2.The Regional Provident Fund Commissioner,
Regional Office,
No.37, Royapettah High Road,
Chennai-600 014.
- 3.The Assistant Provident Commissioner
Employees Provident Fund,
Sub-Regional Office, Vellore.

+1cc to Mr.S.Sadasharam, Advocate, S.R.No.92074

+1cc to Mr.K.Ramu, Advocate, S.R.No.91902

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and
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RV(CO)

RRK(04/01/2018)

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