



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .Nos.7052 of 2017

M/s. Sri Vatsava Polytechnic College,
Kumaralingapuram Road,
Mettamalai Post, Sattur,
Virudhunagar District,
Rep. by its Chairman,
Subburaj.

...Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees's Provident Fund Organization,
Regional Officer,
No.1, L.D.C. Road, Chokkikulam,
Madurai District.
2. The Recovery Officer,
Employees's Provident Fund Organization,
Regional Office,
No.1, L.D.C. Road, Chokkikulam,
Madurai District.
3. The Recovery Officer,
Employee's Provident Fund Organization,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi, Virudhunagar District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned auction sale notice dated 07.04.2017 by the 2nd respondent published in a Tamil Daily newspaper and quash the same as illegal and consequently directing the respondents not to initiate any further proceedings in respect of the petitioner's schedule of property as mentioned in the impugned auction sale notice dated 07.04.2017 till the disposal of the appeal in unnumbered A.T.A. No. of 2017 on the file of the Employees Provident Funds Appellate Tribunal Southern Region,



For Petitioner
For Respondents

: Mr.M.Pandiarajan
: Mr.K.Muralidharan
Standing Counsel

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O R D E R

The present writ petition has been filed for issuing a Writ of Certiorarified Mandamus, to call for records relating to the impugned auction sale notice dated 07.04.2017 by the 2nd respondent published in a Tamil Daily newspaper and to quash the same as illegal and consequently to direct the respondents not to initiate any further proceedings in respect of the petitioner's schedule of property as mentioned in the impugned auction sale notice dated 07.04.2017 till the disposal of the appeal in unnumbered A.T.A. No. of 2017 on the file of the Employees Provident Funds Appellate Tribunal Southern Region, Bangaluru.

2.Heard Mr.M.Pandiarajan, learned counsel appearing for the petitioner and Mr.K.Muralidharan, learned standing counsel appearing for the respondents.

3.The order impugned in the writ petition is the auction sale notice dated 07.04.2017 issued by the second respondent published in a Tamil Daily newspaper. The learned counsel has indicated even in the prayer of the writ petition that, an appeal has been preferred by the petitioner as against the impugned auction sale notice and that the appeal is yet to be numbered. The grievance of the petitioner is that, pending the appeal preferred by the petitioner, if the sale of the petitioner's vehicle is permitted, it would be an inconvenience and he will be put to irreparable loss.

4.The learned counsel for the respondents reiterated that the petitioner cannot maintain a writ petition simultaneously, along with the statutory appeal, which he has filed. The learned counsel for the respondents is right in his submission. However, the petitioner's grievance is that, he is prepared to pursue his remedy of appeal. But, his interest in the subject matter should be protected till such time the statutory appeal is disposed of in the manner known to law.

5.Having regard to the facts and circumstances of the case, this Court is inclined to pass the following order:

"The petitioner is directed to pay 50% of the amount demanded, namely Rs.13,05,456/- (Thirteen Lakhs Five Thousand Four Hundred and Fifty Six only) within a period of four weeks from the date of receipt of a copy of this order on payment of the said sum within the time stipulated by this Court, there shall be an order of stay of all further proceedings pursuant to the impugned



auction sale notice till the appeal is disposed of by the Appellate Authority in accordance with law. The impugned sale on 25.04.2017, shall be deferred".

6. Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Provident Fund Commissioner,
Employees's Provident Fund Organization,
Regional Officer,
No.1, L.D.C. Road, Chokkikulam,
Madurai District.
2. The Recovery Officer,
Employees's Provident Fund Organization,
Regional Office,
No.1, L.D.C. Road, Chokkikulam,
Madurai District.
3. The Recovery Officer,
Employee's Provident Fund Organization,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi, Virudhunagar District.

+1cc to Mr.K.MURALISANKAR, Advocate, SR.No.52922

+1cc to Mr. M.PANDIARAJAN, Advocate, SR.No.53311

ORDER MADE IN
W.P. (MD) .Nos.7052 of 2017
20.04.2017

SDS/RSK/10.05.2017/3P/6C