



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.01.2017
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P (MD) No.861 of 2017
and
W.M.P (MD) Nos.718 and 719 of 2017

Nagercoil Registered Contractors Association,
through its President,
Mr.M.M.Cleetus,
121,Pudu Kudiyirupu,
Nagercoil-1,
Kanyakumari District.

..Petitioner

Vs

1.The Secretary,
Department of Ministry of Labour and Employment,
New Delhi.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil.

3.The Assistant Commissioner,
Employment Provident Fund Organization,
Nagercoil Region,
Kanyakumari District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the second respondent's impugned notice in Na.Ka.No.2795/2016/Ee.1, dated 27.12.2016 and to quash the same within the period stipulated by this Court.

For Petitioner :M/s.A.Haja Mohideen

For Respondent-1 :M/s.C.Nandakumar
Central Govt.Standing Counsel

For Respondent-2 :Mr.P.Adhimoolapandian
Standing Counsel

ORDER

This Writ Petition is filed challenging the notice issued by the second respondent calling upon the Petitioner to furnish certain details about the members of the Petitioner/Association, so as to issue some proceedings under the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

2.Mr.C.Nandakumar, learned Central Government Standing Counsel takes notice for the first respondent and Mr.P.Adhimoolapandian, learned standing Counsel takes notice for the second respondent/Municipality.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.I do not think the Petitioner can challenge the very notice itself calling upon the members of the Petitioner/Association to furnish certain details. The Petitioner is not questioning the jurisdiction of the second respondent. When that being the position, this Court cannot entertain this Writ Petition challenging the notice. Needless to say that, it is for the members of the Petitioner/Association to respond to the said notice and consequently, the second respondent shall have to pass orders on merits and in accordance with law. Therefore, this Court, at this stage, is not inclined to entertain the present Writ Petition.

5.Accordingly, the Writ Petition fails and the same stands dismissed. The members of the Petitioner/Association is given two weeks time to respond to the impugned notice, from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Department of Ministry of Labour and Employment,
New Delhi.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil.

3.The Assistant Commissioner,
Employment Provident Fund Organization,
Nagercoil Region,
Kanyakumari District.

+1 cc to Mr. A.HAJA MOHIDEEN, Advocate, Sr.No:3166

vsn

MAS/MR-VB:01.02.2017:2P/5C

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