



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.7773 of 2017

and

W.M.P.(MD) Nos.6046 & 6047 of 2017

M/s.Central Industrial
Security Services (P) Ltd.
Through its Partner G.Lakshmi
W/o.P.Ganesan
D.No.135, VSA Complex
Bethaniapuram, Madurai 625016

... Petitioner

vs.

1.The Employees State Insurance
Corporation through its Director
Sub Regional Office, 4th Main Road
K.K.Nagar, Madurai-20

2.The Recovery Officer
The Employees State Insurance Corporation
Sub Regional Office
4th Main Road, K.K.Nagar, Madurai-20

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus pertaining to the impugned prohibitory order passed by the 2nd respondent to holds our establishment Current Account No.30406141904, SBI Arasarady Branch, which came to knowledge through our bank on 15.11.2016 and quash the same and consequently direct the 1st respondent permit the petitioner to operate the bank transaction activities.

For Petitioner : Mr.J.Mathesh

For Respondents : Mr.K.C.Ramalingam

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the prohibitory order passed by the second respondent directing to hold the petitioner - Company's Current Account No.30406141904, in State Bank of India, Arasarady Branch, which came to their knowledge through the Bank on 15.11.2016 and to direct the first respondent to permit the petitioner - Company to operate the Bank transaction activities.



2. From the materials and the pleadings as disclosed in the affidavit and the documents filed in support of the writ petition, it is seen that no order has been impugned in this writ petition. However, a writ of certiorarified mandamus has been prayed. This Court is unable to understand as to how such a writ petition is maintainable, when no orders have been passed by the Authority concerned detrimental to the petitioner - Company's interest.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondents submitted that for the same impugned action, the petitioner - Company had already approached the E.S.I.Court and obtained orders. While that be so, the petitioner - Company has chosen to approach this Court also for the same prayer by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. In view of the fact that the petitioner - Company has already approached the E.S.I.Court for the appropriate relief in the matter, this Court cannot maintain the writ proceedings for any action to be initiated by the respondent - E.S.I.Corporation. In case the petitioner - Company has any grievance as against the proposed action by the respondent - E.S.I.Corporation, it is always open to them to avail the alternative remedy as provided under the Employees' State Insurance Act, 1948 and it is certainly not open to them to approach this Court and invoke its writ jurisdiction.

5. For the above said reasons, the writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar(CS-I)

+1 CC To MR.J.MATHESH, Advocate SR. NO. 86652

+1 CC To MR.K.C.RAMALINGAM, Advocate SR. NO.86798

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KRK

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