



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.12.2019**
CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

**W.A. [MD]No.662 of 2011
and
M.P. [MD]No.2 of 2011**

The Secretary and Correspondent,
A.U.P.E.T., Chinmaya Vidhayalaya Matriculation
Higher Secondary School,
18, High Ground Road,
Palayamkottai,
Tirunelveli District.

: Appellant

Vs.

1.The Assistant Provident Fund Commissioner,
E.P.F., Organisation (Sub-Regional Office),
N.G.O., "B" Colony,
Palayamkottai,
Tirunelveli District.

2.The Recovery Officer,
E.P.F., Organisation,
(Sub-Regional Office),
N.G.O. "B" Colony,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 06.10.2010 passed in W.P(MD)No.4253 of 2008.

Prayer in WP(MD) . 4253/ 2008 :

To issue a Writ of Certiorarified Mandamus to call for the records of the first respondent made in his proceedings No.TN/TNY/20841/ENF/Circle 11/8FO381/2008 dated 21/04/2008 and quashes the same and consequently direct the respondents to refund the amount of Rs. 1,80,322/- which was allegedly recovered from petitioniers banker

For Appellant : Mr.S.Karthik
for M/s.Profexs Associates

For Respondents : Mr.K.Murali Sankar



JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

Heard Mr.S.Karthik, learned Counsel for the appellant and Mr.K.Murali Sankar, learned Counsel for the respondents.

2. Challenge raised is to the impugned order dated 06.10.2010 on the ground that the learned Single Judge has treated the matter to be infructuous merely on the deposit made by the appellant. We are afraid that this line of reasoning cannot be accepted inasmuch as the *lis* relating to the cause raised in the petition would not become infructuous on account of compliance of deposit. The *lis* has to be decided on merits and accordingly, we set aside the impugned order and remit the matter back to the learned Single Judge for decision afresh on merits. It shall be open to learned Counsel for the parties to file appropriate affidavits in support of their claims. The learned Single Judge is requested to dispose of at the earliest keeping in view the nature of the issue raised and the long pendency of the matter.

3. Accordingly, this appeal is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

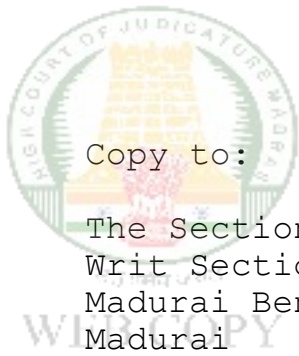
MR/RSB

To

1.The Assistant Provident Fund Commissioner,
E.P.F., Organisation (Sub-Regional Office),
N.G.O., "B" Colony,
Palayamkottai,
Tirunelveli District.

2.The Recovery Officer,
E.P.F., Organisation,
(Sub-Regional Office),
N.G.O. "B" Colony,
Palayamkottai,
Tirunelveli District.

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Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr.S.KARTHIK, Advocate (SR-105201[F] dated 16/12/2019)
+1 CC to Mr.K.MURALISANKAR, Advocate (SR-105168[F] dated
16/12/2019)

JUDGMENT MADE IN
W.A.[MD]No.662 of 2011
and
M.P.[MD]No.2 of 2011
16.12.2019

MK (03.01.2020) 3P 6C