

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2473 of 2021
and W.M.P.Nos.2789 and 2790 of 2020

M/s.Rajeswari Automotives Pvt. Ltd.,
Represented by its Managing Director,
G.V.Adimoolam,
253, Perundurai Main Road,
Erode - 638 011.

... Petitioner

Vs.

The Regional Provident Fund Commissioner - II/
Recovery Officer,
Employees Provident Fund Organization,
Ministry of Labour and Employment,
Government of India,
No.351/5, Raj Majestic, First Floor,
Cauvery Road, Karungalpalayam,
Erode - 638 003.

... Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records from the file of the respondent in the Auction Sale Notice dated 21.01.2021 published in the Hindu and Dhina Thanthi on 24.01.2021 bearing No.CB/SL/96082/Erode/Recovery/2020-21 and quash the same.

For Petitioner : Mr.P.J.Sri Ganesh

For Respondent : Mr.R.Thirunavukkarasu
Standing Counsel

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O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorari to call for the records from the file of the respondent in the Auction Sale Notice dated 21.01.2021 published in the Hindu and Dhina Thanthi on 24.01.2021 bearing No.CB/SL/96082/Erode/Recovery/2020-21 and quash the same.

2. The petitioner has challenged the auction notice on the ground that it is contrary to proclamation of sale and the property is sought to be sold for a throw away prize, which is legally not sustainable.

3. The first respondent filed its counter affidavit dated 06.02.2021, wherein, it is admitted that there was a clerical mistake in the Proclamation of Sale in the Form EPF CP13 dated 12.01.2021, which has gone unnoticed to the respondent. Without any prejudice to the establishment or the petitioner, they have undertaken to issue a fresh Proclamation of Sale.

4. In view of the submission made, it is clear that the impugned auction notice is not sustainable in the eyes of law and the impugned auction sale will not take place, as the respondent has agreed to issue fresh proclamation with correct upset price and proceed with the auction. The first respondent has gone further ahead that they are willing to offer the petitioner to pay the dues in installments. There is no necessity to pass further orders as the impugned auction has been dropped. Nothing survives for adjudication in this Writ Petition.

Therefore, the Writ Petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

The Regional Provident Fund Commissioner - II/
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AJB (CO)
CB(08/03/2021)