



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.23803 of 2012

and

M.P.No.2 of 2012

Selvarani Cotton Mills Pvt. Ltd.,
No.20/21, Rajashanthi Apartment,
Natham Road, Dindigul,
Rep. by its Director S.Perumal.

...Petitioner

Vs

1. The Recovery Officer,
The Assistant Provident Fund
Commissioner,
Regional Office,
Employees Provident Fund
Organisation,
Bhavaishya Nidhi Bhavan,
P.B.No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.
2. The Enforcement Officer,
District Office,
Employees Provident Fund
Organisation,
Pollachi.
3. M/s.Selvarani Spinning Mills Ltd.,
(formerly GTV Spinners)
Pulakinar (P.O), Udumalpet,
Tirupur District,
Rep. by its Director
Mr.T.Shanmugam.
4. Board for Industrial and
Financial Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg,
New Delhi - 110 001.



5. The Deputy General Manager,
Central Bank of India,
14-15, Variety Hall Road,
Coimbatore.

6. The National Textile Workers
Union (INTUC),
Rep. by its Secretary
Mr.Selvaraj,
1848, Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

(R6 impleaded as per order dated
29.06.2018 in MP.No.1 of 2015 in
W.P.No.23803 of 2012)

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent in TN/RO-CBE/10661/RECOVERY/2012 dated 14.08.2012 for bringing the property of the 3rd respondent company to an extent of 3.25 acres in S.F.No.249/6 situated in Pulankinar Village, Udumalpet, Tirupur District and the movable property of the 3rd respondent spinning machines to sale and quash the same.

For Petitioner : S.Nedunchezhiyan
for Mr.G.Sankaran

For R1 & 2 : Mr.J.Sathya Narayana Prasad
Standing Counsel

For R3 : Mr.A.Baskaran
For R4 : No Appearance
For R6 : S.Saravanan

ORDER

The petitioner herein is aggrieved against the impugned notice of proclamation of sale dated 14.08.2012, whereby, the Employees Provident Fund Organisation had sought for bringing the third respondent's property for sale, scheduled to be held on 05.09.2012.

2. Pending the writ petition, the proclamation of sale was stayed by this Court, through an order dated 31.08.2012. Apparently, the sale could not have taken place on the scheduled date of auction and the date fixed for the auction has also expired.



3. In this factual scenario, if at all the respondents are of the view that the property requires to be brought on sale, they are required to issue a fresh proclamation of sale and therefore, no effective proceedings can be initiated from the present impugned sale notice.

4. In view of the same, the writ petition stands closed and the impugned order of proclamation of sale is declared to have become redundant. However, if the respondents are of the view that they are still entitled to recover the arrears, it is always open to them to proceed in a manner provided under law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Recovery Officer,
The Assistant Provident Fund Commissioner,
Regional Office,
Employees Provident Fund Organisation,
Bhavaishya Nidhi Bhavan,
P.B.No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.
2. The Enforcement Officer,
District Office,
Employees Provident Fund Organisation,
Pollachi.
3. Board for Industrial and
Financial Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg,
New Delhi - 110 001.
4. The Deputy General Manager,
Central Bank of India,
14-15, Variety Hall Road,
Coimbatore.



+1cc to Mr.Hariharan, Advocate, S.R.No.38669
+1cc to S.Saravanan, Advocate, S.R.No.38361
+2cc to Mr.G.Sankaran, Advocate, S.R.No.39055

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SR-II (CO)
CT/01/09/2021