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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19121 of 2020

and

W.M.P.Nos.23964, 23695 of 2020 & 1970 of 2021

M/s.K.Parthasarathy Spinning Mills,
Represented by its Managing Partner,
Mr.P.Gopalkrishna,
Ganapathypalayam Post,
Udumalpet - 641 122.

...Petitioner

-Vs-

1. The Assistant Provident Fund
Commissioner (Enforcement)
O/o Regional Provident Fund Commissioner,
Sub Regional Office,
Dr.Balasundaram Road, Coimbatore.
2. The Recovery Officer,
The Employees Provident Fund
Regional Office,
Bhavishya Nidhi Road,
Dr.Balasundaram Road,
Coimbatore - 641 112.
3. The Enforcement Officer,
Employees Provident Fund,
Pollachi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the second respondent herein in No.TN /C B-CBE / 19246 / RECOVERY / 2020 dated 09.11.2020 wherein proclamation of auction sale of the petitioner's property has been fixed on 16.12.2020 and quash the same and consequentially direct the respondents to consider the petitioner's representation dated 30.11.2020 to extend time to remit the actual amount of contribution dues in instalments and waive interest, penal interest and damages.



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For Petitioner : Dr.R.Gouri

For Respondents: Mr.J.Sathya Narayana Prasad,
Standing Counsel

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The prayer sought for in the Writ Petition seeking for proclamation of auction sale has become infructuous, since the date of auction, i.e., 16.12.2020 has lapsed. If at all the respondents intend to bring the subject property for auction, the same could be done only through a fresh proclamation of auction sale.

3. By placing reliance on the averments in the counter affidavit, the learned Standing Counsel appearing for the respondents would submit that the consequential prayer sought for in this Writ Petition has also become infructuous, since the petitioner's representation dated 30.11.2020 has already been disposed of on 03.12.2020.

4. In view of the same, no effective orders can be passed in the present petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1. The Assistant Provident Fund Commissioner (Enforcement)
O/o Regional Provident Fund Commissioner,
Sub Regional Office,
Dr.Balasundaram Road,
Coimbatore.



2. The Recovery Officer,
The Employees Provident Fund Regional Office,
Bhavishya Nidhi Road,
Dr.Balasundaram Road,
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3. The Enforcement Officer,
Employees Provident Fund,
Pollachi.

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PVS (CO)
RGA (13/10/2021)