



WEB COPY



WP No.37018 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.37018 of 2016
And
WMP No.31830 of 2016**

The Singanallur Consumer Cooperative Stores Ltd.,
No.CC 2333,
Represented by its Secretary by P.Vadivambal,
23, Krishna Garden,
Uppilipalayam,
Coimbatore-15.

..

Petitioner

vs.

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
P.B.No.3875, Dr.Balasundaram Road,
Coimbatore-18.

2.The Recovery Officer,
Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
P.B.No.3875, Dr.Balasundaram Road,
Coimbatore-18.

..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from claiming Provident Fund dues from the petitioner-Society till the payment of subsidy amount from the State Government and to reconsider the issue by considering the representation dated 02.11.2015.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.C.Kulanthaivel,
Standing Counsel for EPF.

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from claiming Provident Fund dues from the petitioner-Society till the payment of subsidy amount from the State Government is received by the petitioner.

2. The relief sought for in the present writ petition is absolutely misconceived. The petitioner-Society is registered under the provisions of the Tamil Nadu Cooperative Societies Act.



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3. The Provident Fund dues are statutory dues, which all are to be paid by the petitioner-Society as per the provisions of the Act and the Rules. The High Court in exercise of Judicial Powers cannot issue a blanket direction forbearing the respondents from claiming Provident Fund dues. If at all any wrong claim or any claim in violation of the provisions of the Act is made by the Authorities, then alone the petitioner has to approach the Authorities and the Court of Law, as the case may be, for the purpose of redressing the grievances.

4. Contrarily, the petitioner-Society cannot seek a direction to forbear the respondents from claiming Provident Fund dues, unless the petitioner-Society is exempted from the payment of Provident Fund in the event of maintenance any separate Provident Fund under the provisions of the Tamil Nadu Cooperative Societies Act and the Rules.

5. This being the factum, the petitioner has not established any right for the purpose of considering the relief and such a general relief cannot be granted and receiving subsidy from the State Government is the



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issue between the petitioner-Society and the Government and not connected with the recovery of Provident Fund dues by the respondents. If at all the petitioner-Society is aggrieved from and out of any action of the respondents, the petitioner-Society is at liberty to pursue the remedy in the manner known to law.

6. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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S.M.SUBRAMANIAM, J.

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