



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.Nos.28133 & 28128 of 2021

and

W.M.P.Nos.29730, 29732 & 29723 of 2021

1.M/s.Somasundaram Mills
2.M/s.The Kaleeswara Mills,
3.M/s.Kishnaveni Mills,
4.M/s.Om Parasakthi Mills,
All are represented by
The General Manager (Technical)/
Officer In-Charge,
Southern Regional Office,
National Textile Corporation Ltd.,
35-B, Somasundaram Mills Road,
Coimbatore-641 009.

... Petitioner in W.P.No.28133 of 2021

M/s.Coimbatore Murugan Mills,
A Unit of National Textile,
Rep. by its Manager-Technical,
Post Box No.7004,
Mettupalayam Road,
Coimbatore-641 043.

... Petitioner in W.P.No.28128 of 2021

Vs.

1. The Deputy Director (Recovery)/
Recovery Officer,
Employees State Insurance Corporation
Sub-Regional Office,
No.1897, Trichy Road,
Ramanathapuram,
Coimbatore 641 045.

2. The Branch Manager,
Indian Overseas Bank,
1st Floor, Kings Complex, Church Compound,
Dr.Nanjappa Road Branch,
Coimbatore-641 018.

... Respondents in W.P.No.28133 of 2021



1. The Deputy Director (Recovery) /
Recovery Officer,
Employees State Insurance Corporation
Sub-Regional Office,
No.1897, Trichy Road,
Ramanathapuram,
Coimbatore 641 045.
2. The Branch Manager,
Indian Overseas Bank,
Dr.Nanjappa Road Branch,
Coimbatore 641 018.
3. The Branch Manager,
Corporation Bank,
P.B.No.119, No.816, Oppanakara Street,
Coimbatore 641 001. ... Respondents in W.P.No.28128 of 2021

PRAYER in W.P.No.28133 of 2021:Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, to call for the records relating to the impugned prohibitory order No.56/5974, 5975, 6261, 7010-11/RRC dated 09.11.2021 issued to the second respondent Bank by the first respondent herein and to quash the same.

PRAYER in W.P.No.28128 of 2021:Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, to call for the records relating to the impugned revised prohibitory orders No.CBE/RECY/CP-3/56/005966/101 dated 06.12.2021 issued to the second respondent Bank and the third respondent Bank, by the first respondent Recovery Officer, ESI, Sub-Regional Office, Coimbatore - 641 043 for the recovery of Rs.7,14,492/- from the petitioner Mill and to quash the same.

In both W.Ps

For petitioners .. Mr.C.V.Vijayakumar

For Respondents .. Mr.C.V.Ramachandra Moorthy,
Standing Counsel for R1
Mr.K.Srinivasa Moorthy,
Standing Counsel for R2

COMMON ORDER

These writ petitions have been filed against the prohibitory orders issued by the respondent Corporation dated 09.11.2021 in No.56/5974, 5975, 6261, 7010-11/RRC and No.CBE/RECY/CP-3/56/005966/101 dated 06.12.2021.



2. In the entire affidavit filed by the petitioners in these writ petitions, nothing has been whispered and explained as to why the petitioner Companies have chosen to approach this Court directly without availing the alternative remedy that is provided under the ESI Act. When the learned counsel for the petitioners was confronted by this Court at the time of admission, the learned counsel was unable to give any plausible answer as to why the alternative remedy was not resorted to.

3. Moreover, this Court does not find any worthy ground to intervene at this stage. Whatever be the circumstances under which, the impugned orders were passed, it is always open to the petitioners to assail those orders by availing efficacious alternative remedy which is available under the statute. It is not open to the petitioners to approach this Court directly. The grounds raised in the affidavits can always be raised by the petitioners when they avail the alternative remedy.

4. For the above said reasons, this Court does not find that these writ petitions could be entertained. Accordingly, these writ petitions stand dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The Deputy Director (Recovery)/
Recovery Officer,
Employees State Insurance Corporation
Sub-Regional Office,
No.1897, Trichy Road,
Ramanathapuram,
Coimbatore 641 045.
2. The Branch Manager,
Indian Overseas Bank,
1st Floor, Kings Complex, Church Compound,
Dr.Nanjappa Road Branch,
Coimbatore-641 018.



3. The Branch Manager,
Corporation Bank,
P.B.No.119, No.816, Oppanakara Street,
Coimbatore 641 001.

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+2ccs to Mr.C.V.Vijayakumar, Advocate, S.R.No.181, 182

W.P.Nos.28133 & 28128 of 2021
and
W.M.P.Nos.29730, 29732 & 29723 of 2021

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NSK 31/01/2022