



W.P.(MD)No.7893 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7893 of 2014

and

M.P.(MD)Nos.1 & 2 of 2014

S.Arumugam

... Petitioner

Vs.

1. The Assistant PF Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
Bhavishya Bhawan,
N.G.O. 'B' Colony,
Tirunelveli – 627 007.

2. Puliangudi Municipality,
represented by its Commissioner,
Puliangudi,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.2161/2013/C1, dated 23.12.2013 and the consequential order of



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the second respondent in Na.Ka.2161/2013/C1, dated 24.01.2014 and quash the same.

For Petitioner : Mr.R.Gowri Shankar

For R1 : Mr.K.Murali Shankar

For R2 : Mr.N.Dilip Kumar

ORDER

This Writ Petition is filed for Writ of Certiorari to quash the impugned order passed by the second respondent, dated 23.12.2013 and the consequential order, dated 24.01.2014.

2. The brief facts as stated in the affidavit is that the petitioner is doing contractual works to various Government bodies. The petitioner has also done contractual works for District Rural Development Agency (DRDA) also. For the period of 2010-2011 there was a sudden hike of the material prices viz cement, sand etc. It has severely affected the petitioner's business, whereby, he has to spent heavily from his pocket.



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In such circumstances, a summon dated 15.07.2013, was issued by the first respondent and the second respondent has passed the impugned order, dated 23.12.2013, directing the petitioner to pay a sum of Rs.4,30,000/- for the year 2011-2012 and Rs.8,74,000/- for the year 2012-2013. In the subsequent order, the petitioner was directed to pay the said amount within three days, otherwise deterrent action would be taken against the petitioner.

3. When the matter was taken up for hearing, the learned Counsel appearing for the first respondent has circulated a judgment rendered by this Court in W.P.(MD)No.10397 of 2014 batch, dated 25.08.2014, wherein, this Court has quashed the impugned order, since the respondent has not given sufficient opportunity to the petitioner. Since the impugned order would involve civil consequences, this Court has directed the respondent to issued fresh notice and pass a speaking order.

4. Therefore, this Court is following the said order and passing



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the following orders:

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- (i) The impugned order is set aside
- (ii) The respondents are directed to issue fresh notice to the petitioner and the petitioner shall submit his explanation.
- (iii) After considering the documents and the submission of the petitioner, the respondents shall pass a speaking order.

5. With the above said direction, this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2022

Index : Yes / No
Internet : Yes / No
jbr



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To

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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.7893 of 2014

01.11.2022