



W.P.Nos.14622 & 14623 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition Nos.14622 & 14623 of 2013
and M.P.Nos.1,2,3 and 4 of 2013

Fuso Glass India Pvt Ltd
By its Manager-Liaisoning Mr.K.Kasirajan
Plot No.D3, SIPCOT Industrial Park
Irungattukottai, Sriperumbudur-602 105.

.... Petitioner

-Vs-

1.Regional Commissioner
Employees' Provident Fund Organization
Sub Regional Office-Ambattur
R-40A, T.N.H.B.Shopping Cum Office
Complex, Mugappair (East), Chennai 600 037.

... Sole respondent in
W.P.No.14623 and
R1 in W.P.No.14622
of 2013

2.Chief Manager
Indian Overseas Bank
Purasawalkam Branch
15, Hunters Road
Purasawalkam, Chennai 600 112.

.... R2 in W.P.No.14622
of 2013.

Prayer in W.P.No.14622 of 2023 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 1st respondent in TN/SRO/AMB/65598/CC-I/A-5/2013 dated 02.05.2013 and quash the same as arbitrary and in violation of the principles of natural justice against the provisions of law.



W.P.Nos.14622 & 14623 of 2013

Prayer in W.P.No.14623 of 2013 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 1st respondent in TN/SRO/AMB/65598/CC-I/Area 5/2013 dated 08.04.2013 and quash the same as arbitrary and in violation of the principles of natural justice and against the provisions of law.

In Both W.Ps.

For Petitioner : Mr.T.V.Lakshmanan

For Respondents : Ms.Sunita Kumari – for R1
Mr.F.B.Benjamin George – for R2

COMMON ORDER

The petitioner challenges the orders of the first respondent dated 08.04.2013 and 02.05.2013 on the ground it is in violation of the principles of natural justice and also on the ground that the petitioner was never put on notice prior to passing the order. On this ground he moved a review and since the first respondent was attempting to enforce the order, he moved the present writ petitions.

2. At the time of final hearing of this writ petition, Mr.F.B.Benjamin George learned counsel for the 2nd respondent would submit that the two cheques which had been given towards discharge of the liability has already been encashed by



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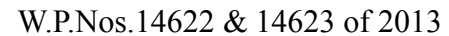
the 1st respondent and that he is only a formal party.

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3. Ms.Sunita Kumari, learned counsel appearing for the 1st respondent would submit that the review proceedings which had been initiated on 17.05.2013 had been dismissed on 31.05.2013.

4. Mr.T.V.Lakshmanan, learned counsel for the petitioner would submit that he was never put on notice prior to the passing of the order and worse, he has not even received the order dated 31.05.2013. He would attack the order passed in the review proceedings also saying that it is in violation of the principles of natural justice.

5. Unfortunately I cannot increase the scope of this writ petition and set aside the order passed in the review proceedings which has not been put to challenge before me. However, I would record that if the order has not been communicated, then the order would never come into effect. An uncommunicated copy in the file of the respondent is no order at all. It is not enforceable against the person to whom it is addressed unless it is communicated. The ground that the petitioner was not heard before the order was passed is at best to be raised in a fresh writ petition or any other proceedings that the petitioner may initiate challenging the order dated



6. With the above observation, these writ petitions are dismissed. No
Consequently, connected miscellaneous petitions are also dismissed.

14.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

1.Regional Commissioner
Employees' Provident Fund Organization
Sub Regional Office-Ambattur
R-40A, T.N.H.B.Shopping Cum Office
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V. LAKSHMINARAYANAN, J.

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