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W.P.No.25232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.25232 of 2023

and

WMP.No.24638 of 2023

Ramraj Industries,
68-B, MC Road,
Ambur, Vellore District - 635 802.
Rep. By its Authorized Signatory.

...Petitioner

Vs.

1. The Regional Provident Fund Commissioner,
Employees provident Fund Organisation,
S-1, PHASE-III, TNHB,
Sathuvachari, Vellore – 632 009.
2. The Recovery Officer,
Employees provident Fund Organisation,
S-1, PHASE-III, TNHB,
Sathuvachari, Vellore – 632 009.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondent to permit the petitioner to remit the sum of Rs.25,68,006 in 30 equated monthly installments pursuant to the demand notices of the 2nd respondent dated 19.07.2022 in proceedings No.TB/VLR/74773/Recovery/1519 and further direct the 2nd respondent to revoke the attachment order issued in respect of 3 schedule mentioned properties referred to in the attachment order dated



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19.07.2022 in proceedings No.TB/VLR/74773/Recovery/1519, details of which mentioned hereunder.

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Specification of property

S. No	Description of Property
1	Commercial land covering to the extent of 0.43 1/4 acres (or) 18,842.83 sq.ft. comprised in S.No.113/3A/2A, 113/3A1, 113/3A/2A2 and Ts.No.1/17A5 of Sanankuppam Village, Ambur Town, Ambur Taluk, situated at No.68B, M.C.Road, Ambur, Vellore District and factory building constructed thereon with built up area of 9470 sq.ft. in the name of Mrs.Mangaiyar Thilagam, Mr.P.Rajasekar and Mr. P.Ramkumar.
2	Commercial land covering to the extent of 0.32 acres (or) 13952 sq.ft. comprised in Old S.No.29/5B, New S.No.109/7A2 of Kilmurungai Village, Vadapudupet Post, Ambur Taluk situated at M.C.Road, Ambur, and factory building constructed thereon with built- up area of 10680 sq.ft in the name of Mrs.Mangaiyar Thilagam, Mr.P.Rajasekar and Mr.P.Ramkumar.
3	Commercial land covering and extent of 2.33 1/2 acres, comprised in S.No.109/5B and 109/5C of Kilmurungai Village, Vadapudupet Post, Ambur Taluk situated at M.c. Road, Vellore district and building constructed thereon with built up area of 1225 sq.ft in the name of Mrs.Mangaiyar Thilagam, Mr.P.Rajasekar and Mr.P.Ramkumar.

For Petitioner : Mr.Anand Gopalan
for M/s. T.S.Gopalan and Co

For Respondents : Mr.R.Thirunavukarasu, SC



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ORDER

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The petitioner has come up with this Writ petition seeking direction to the 1st & 2nd respondents to permit the petitioner to remit the sum of Rs.25,68,006 in 30 equated monthly instalments, pursuant to the demand notices of the 2nd respondent dated 19.07.2022 in proceedings No.TB/VLR/74773/Recovery/1519 and for a consequential direction to the 2nd respondent to revoke the attachment order issued in respect of 3 schedule mentioned properties referred to in the attachment order dated 19.07.2022 in proceedings No.TB/VLR/74773/Recovery/1519.

2. Mr.R.Thirunavukarasu, learned Standing Counsel takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner industry was started in the year 2010 and is engaged in the business of export of shoes, however, the petitioner factory was subsequently discontinued in the year 2015 and the factory licence was also surrendered by the petitioner. While so, as there were some dues in payment of contribution from 2011 to 2016, the 2nd



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respondent passed an order of attachment dated 19.07.2022, attaching four properties of the petitioner factory, for the purpose of realization of the aforesaid dues. Thereafter, the petitioner paid the entire sum of Rs.26,26,210/- towards the payment of contribution and requested the 1st respondent to waive the damages, despite which, the attached properties were not lifted, due to which, the petitioner is not able to mobilize funds to resolve his financial crisis. While such being the case, the 2nd respondent issued a show cause notice dated 24.07.2023 to the Managing Partner calling for explanation as to why the arrest should not be made. Hence, the petitioner has come up with this Writ petition.

4. Learned counsel for the petitioner submitted that though the amount due from the petitioner is only about Rs.25,00,000/-, however, the respondents have attached four commercial lands owned by the petitioner factory, which is not sustainable. He further submitted that, the petitioner is ready to settle the entire dues by way of eighteen (18) instalments, however, as the entire properties of the petitioner factory was attached, the petitioner is unable to mobilize the funds to settle the pending dues. Hence, he submitted that, it would suffice, if this Court issues direction to the



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respondents to keep the commercial land measuring an extent of 0.43 ½ acres, comprised in S.No.113/3A/2A, 113/3A1, 113/3A/2A2 and T.S.No.1/17 of Sanankuppam, Ambur Taluk, Vellore District and release the other three properties mentioned in the attachment order dated 19.07.2022, enabling the petitioner to mortgage or sell the same and settle the pending dues.

5. On the above said contentions, heard learned counsel appearing for the respondents and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel on either side, however, in view of the fair submission made by the learned counsel for the petitioner, since one of the attached property alone is sufficient for realization of the dues from the petitioner, and that, as the petitioner has come forward to pay the dues towards the contribution to PF, this Court, without going into the merits of the case, directs the respondents to retain the commercial land measuring an extent of 0.43 ½ acres, comprised in S.No.113/3A/2A, 113/3A1, 113/3A/2A2 and T.S.No.1/17 of Sanankuppam, Ambur Taluk, Vellore District and release the other three



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lands in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order, enabling him to dispose of the said lands and settle the pending dues. Accordingly, the petitioner is permitted to dispose of the above said properties and settle the dues by way of 18 instalments and the 1st instalment shall start on 10.11.2023, failing which, the respondents are at liberty to attach released properties and initiate appropriate recovery proceedings as against the petitioner.

7. Accordingly, this Writ Petition stands disposed of with the aforesaid directions. No costs. Consequently, connected Miscellaneous petition is closed.

25.08.2023

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NCC : Yes / No

Speaking Order : Yes / No

Index : Yes / No

Note to office: Issue order copy on 30.08.2023.



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To

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M.DHANDAPANI., J.



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