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W.M.P.No.26390 of 2023

in

W.P.No.25232 of 2023

M.DHANDAPANI, J.

This petition is filed to modify the order dated 25.08.2023 in W.P.No.25232 of 2023 by directing the respondents to release the schedule property mentioned hereunder in the attachment order dated 25.08.2023 more specified in Sl.No.1, 3 and 4 and retain the property specified in Sl.No.2.

Specification of Property

S.No.	Description of Property
1	Commercial land covering to the extent of 0.43 ¼ acres (or) 18,842.83 sq.ft. comprised in S.No.113/3A/2A, 113/3A1, 113/3A/2A2 and T.s.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 990 sq.ft. comprised in Survey No.276/2, 61, 62, 63, 64 and 65b of Ambur Taluk, situated at No.27, 28, 29, 29-A, Somalapuram Road (Kaspa Road), Ward C, Block No.19, Ambur, Tirupattur District and building constructed thereon with built up area of 420 sq.ft. in the name of Mrs.Mangaiyar Thilagam.
3	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



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S.No.	Description of Property
	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.
4	Commercial land covering and extent of 2.33 ½ 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.

2. The learned counsel appearing for the petitioner submitted that this Court, vide order dated 25.08.2023, in paragraph 6 has passed the following order :-

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 0.43½ 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 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 proceedings as against the petitioner.

3. Pursuant to the order of this Court, though the scheduled properties in Sl.No.2 to 4 were released, however, there was some difficulty in alienating the released properties, thereby, the present modification petition is filed.

4. The learned counsel for the petitioner submits that, it would suffice, if this Court issues necessary direction to the respondents for the release of the properties in Sl.Nos.1 and 4 in the above schedule of properties, instead of the properties in Sl.Nos.2 to 4 and the petitioner has no objection to retain the properties in Sl.Nos.2 and 3.

5. The learned counsel appearing for the respondents submitted that, if the properties in Sl.Nos.2 and 3 are not valuable properties, then, it is difficult for the respondents to recover the amount from the petitioner. However, the learned counsel for the petitioner submitted that out of the sale proceeds of the properties to be released, the petitioner has



agreed to pay the dues by way of instalments.

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6. In view of the above, paragraph No.6 of the order dated 25.08.2023 is modified as follows :-

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, and also the fact that two 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 scheduled properties in Sl.Nos.2 and 3 and release the scheduled properties in Sl.Nos.1 and 4 in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order. Immediately after receipt of the advance amount from the sale proceeds of the above said properties, the petitioner shall deposit 50% of the pending dues with the respondents/PF authorities, within a period of eight weeks from the date of release of the above said scheduled properties, and after receipt of the entire sale amount, the petitioner is directed to pay the remaining 50% of the pending dues, within a period of eight weeks thereafter. Further, the petitioner is directed to intimate the sale transaction with the consent of respondents/PF



authorities in the above said terms.

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7. With the above modification, this writ miscellaneous petition is ordered. Registry is directed to carry out the necessary correction in the order dated 25.08.2023 and issue a fresh copy of the order to the learned counsel for the parties. In other aspects, the earlier order dated 25.08.2023 shall remain unaltered.

25.09.2023

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