



WEB COPY



W.P.No.2101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.10.2024

Coram:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2101 of 2024

Tamilnadu State Palmgur and
Fiber Marketing Co-op Federation Limited
rep. By its Managing Director,
Mr.M.R.Gopalakrishnan
No.108 (32) Gengu Road,
Egmore, Chennai – 8

...Petitioner

Vs

1. Employees Provident Fund Organisation,
rep. By its Commissioner,
No.37, Royapettah High Road,
Chennai – 600 014

2. The Recovery Officer,
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai – 600 014

3. The Branch Manager
Canara Bank, Egmore Branch,
Chennai – 600 008

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to refund the amount arbitrarily collected and recovered from the bank account of the petitioner



WEB COPY



W.P.No.2101 of 2024

maintained with the 3rd respondent, totalling a sum of Rs.50,02,421.50.

For Petitioner : Mr.B.Divakaran

For Respondents : Mr.K.Venkatesan
Standing Counsel

ORDER

The petitioner has filed the Writ Petition challenging the order of attachment and consequential withdrawal of the amount from the 3rd respondent / bank to the credit of the 2nd respondent. The respondents 1 and 2 have issued the impugned notice of demand for attachment of movable and immovable properties on 10.08.2018 stating that the petitioner is liable to pay a sum of Rs.1,13,88,027/- towards the dues payable under Section 7Q for interest and penalty worked out under Section 14B for the dues between the period from March, 2001 to February, 2010.

2. The learned counsel for the petitioner submitted that before issuing an order of recovery, the petitioner was not given with any opportunity with regard to the assessment of interest as well as damages under Sections 7Q and 14B respectively, so it is submitted that the respondents 1 and 2 have withdrawn the amount lying in the bank account of the petitioner in an appropriate manner and by obeying order of attachment issued by the 2nd respondent / recovery officer. On



W.P.No.2101 of 2024

earlier occasion also, by raising the very same contention that recovery orders have been passed without putting the petitioner on notice, he has filed two Writ Petitions in W.P.Nos.9204 and 10615 of 2006 and in the Writ Petitions, orders have been passed on 24.01.2012 by directing the respondents-Provident Fund Department to assess the actual damages and interest payable by the Federation and issue fresh notice in accordance with law.

3. Despite orders have been issued as early as in the year 2012, the petitioner has not filed any payment proceedings. However, the allegations are that he has not been given with any opportunity as directed and the interest and the damages have not been assessed so far.

4. Further, the petitioner has filed another Writ Petition No.29294 of 2018 by attacking yet another attachment notice issued on 17.09.2018. In the said Writ Petition also the petitioner was making the very same contention and this Court has disposed the Writ Petition by issuing the following direction:-

“a) The petitioner is directed to submit a fresh explanation along with necessary particulars, to the 2nd respondent within a period of two weeks, from the date of receipt of a copy of this order.

b) On receipt of such explanation, the 2nd respondent is directed to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible.”



W.P.No.2101 of 2024

c) Till such time, the impugned show cause notice dated, 7.09.2018 regarding arrest warrant, shall be kept in abeyance. No costs. Consequently, the connected MP is closed."

In fact, in the said Writ petition, the petitioner had chosen to challenge the show cause notice for arresting the petitioner in the process of recovery. Every time the recovery order is issued, the petitioner rushes to the Court and seeks some sort of direction and thereafter, remains silent.

5. Now, this Writ Petition has been filed as though the 2nd respondent did not follow the earlier direction given by this Court and the action of the 2nd and 3rd respondents are illegal. The petitioner's grievance is that the order of this Court has not been followed each time by the 2nd respondent / authority. In such case, the spontaneous action of the petitioner would be to file contempt petition for not complying the directions. Further, the petitioner appears to be feeling comfortable each time to file a Writ Petition and keep the proceedings pending for years together. The petitioner has not chosen to invoking his rightful remedy available to him. I do not find any grounds to entertain this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

21.10.2024



W.P.No.2101 of 2024

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. Employees Provident Fund Organisation,
rep. By its Commissioner
No.37, Royapettah High Road,
chennai – 600 014
2. The Recovery Officer,
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai – 600 014
3. The Branch Manager
Canara Bank, Egmore Branch,
Chennai – 600 008



WEB COPY



W.P.No.2101 of 2024

R.N.MANJULA, J.

ssd

W.P.No.2101 of 2024

21.10.2024