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W.P.No.7417 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.7417 of 2022 and
W.M.P.No.7417 of 2022

M/s. Nikki Cashew Industries,
Rep by its Proprietor,
R.Shiju Rajan, Velikal,
Thikkurichi (post), Kanyakumari District.

... Petitioner

Vs.

1.The Registrar,
Employees Provident Fund Appellate Tribunal,
No.26, 1st Floor, 'B' wing,
Haddows Road, Shastri Bhavan,
Chennai 600 006.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office,
No.66, Water Tank Road,
Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in connection with the order passed by the first respondent in F.No.EPFA-490 of 2017 dated 24.12.2021, modifying the order passed by the 2nd respondent in order No.TN/NGL/55913/14B/100212/PDC(5)/2011 dated 18.08.2011 and



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quash the same as illegal and improper.

For Petitioner : Mr.S.Sabarish

For Respondents : Mr.Palanimuthu

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records in connection with the order passed by the first respondent in F.No.EPFA-490 of 2017 dated 24.12.2021, modifying the order passed by the 2nd respondent in order No.TN/NGL/55913/14B/100212/PDC(5)/2011 dated 18.08.2011 and quash the same as illegal and improper.

2. Heard Mr.S.Sabarish, learned counsel for the petitioner and Mr.Palanimuthu, learned counsel for the respondents and perused the materials available on record.

3. Even though the petitioner has filed this Writ Petition challenging the above order, today when the matter is taken up, the learned counsel for the petitioner submitted that in pursuant to the modification made in the impugned order dated 24.12.2021, the



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petitioner has paid the damages to the second respondent. So far as the petitioner is concerned, the matter has become infructuous.

4. However, the learned counsel for the respondents submitted that the petitioner has not produced any proof for payment.

5. Whatever may be case, the contention of the learned counsel for the petitioner now makes it clear that the petitioner does not have any objection to the impugned order. In view of the same, this Writ Petition is liable to be dismissed.

6. The learned counsel for the respondents submitted that as against the same impugned order, the second respondent has preferred a Writ Petition before the Madurai Bench of this Court in W.P.(MD) No.2884 of 2024.

7. It is upto the parties to contest the above matter before Madurai



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Bench of this Court and the petitioner is at liberty to produce any proof to show that he has made the payment as per the order of the Appellate Authority.

8. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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