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W.P.Nos.14351, 10164 & 10169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.Nos.14351, 10164 & 10169 of 2022

and

WMP.Nos.13561, 9853, 9854, 9865 & 9866 of 2022

W.P.No.14351 of 2022

M/s.Laven Technoblend Limited,
(Formerly known as M/s. Coimbatore
Popular Spinning Mills Ltd.),
25, Chinna Ayyavu Layout,
Sowripalayam Road, Coimbatore – 641 028,
Rep. by its Managing Director,
Mr.G.Venkataramachandran. ... Petitioner

Vs.

1.Regional PF Commissioner – II & Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Dr.Balasundaram Road,
Coimbatore – 641 018.

2.Deputy Director/Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office, Ramanathapuram,
Coimbatore – 641 015.

3.Land Revenue Officer,
Pongalur,
Palladam Taluk,
Tiruppur District. ... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the notice bearing Reference No.TN/RO/CBE/Recovery/CC-29/12461/2022 dated 30.05.2022 on the file of the 1st respondent and consequently forebear the 1st respondent from bringing an extent of 1.5 acres of land together with the buildings and all appurtenances thereon in SF.No.303, Pongalur Village, Palladam Taluk belonging to the petitioner.

For Petitioner : Mr.S.Ravi

For R1 : Mr.R.Vishnu

For R2 : Mr.S.P.Srinivasan

W.P.No.10164 of 2022

M/s.Laven Technoblend Limited,
(Formerly known as M/s. Coimbatore
Popular Spinning Mills Ltd.), Rep. by its
Managing Director, Mr.G.Venkataramachandran.
25, Chinna Ayyavu Layout, Sowripalayam Road,
Coimbatore – 641 028, ... Petitioner

Vs.

Deputy Director/Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office, Ramanathapuram,
Coimbatore – 641 015. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



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to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Order of Attachment dated 10.11.2004 and directing the 1st respondent to release the attached property situated at S.F.No.303, 7/339, Pongalur Village, Tirupur Taluk, Coimbatore District for sale.

For Petitioner : Mr.P.Thangaraj

For Respondent : Mr.S.P.Srinivasan

W.P.No.10169 of 2022

M/s.Laven Technoblend Limited,
(Formerly known as M/s. Coimbatore
Popular Spinning Mills Ltd.), Rep. by its
Managing Director, Mr.G.Venkataramachandran.
25, Chinna Ayyavu Layout, Sowripalayam Road,
Coimbatore – 641 028, ... Petitioner

Vs.

Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Dr.Balasundaram Road,
Coimbatore – 641 018. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Order of Attachment dated 15.09.2010 vide Ref. No.TN/RO-CBE/12461/Recovery issued by respondent and quash the same and directing the respondent to demarcate the said land only for the value of outstanding provident fund dues and release the remaining portion of the land to the petitioner for sale.

For Petitioner : Mr.P.Thangaraj



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For Respondent : Mr.R.Vishnu

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COMMON ORDER

W.P.No.14351 of 2022 is filed to call for the records and quash the notice bearing Reference No.TN/RO/CBE/Recovery/CC-29/ 12461/ 2022 dated 30.05.2022 on the file of the 1st respondent and consequently forebear the 1st respondent from bringing an extent of 1.5 acres of land together with the buildings and all appurtenances thereon in SF.No.303, Pongalur Village, Palladam Taluk belonging to the petitioner.

2.W.P.No.10164 of 2022 is filed to call for the records pertaining to Order of Attachment dated 10.11.2004 and directing the 1st respondent to release the attached property situated at S.F.No.303, 7/339, Pongalur Village, Tirupur Taluk, Coimbatore District for sale.

3.W.P.10169 of 2022 is filed to call for the records pertaining to Order of Attachment dated 15.09.2010 vide Ref. No.TN/RO-CBE/12461/Recovery



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issued by respondent and quash the same and directing the respondent to demarcate the said land only for the value of outstanding provident fund dues and release the remaining portion of the land to the petitioner for sale.

4.Since all these writ petitions relate to the recovery of the dues of the respondents they are tagged and taken up for hearing together and disposed of by this common order.

5.When the matter is taken up for hearing the learned counsel appearing for the petitioner relying on the affidavit filed by the petitioner on 29.01.2024, prays that the petitioner, without prejudice to his rights to dispute / initiate and pursue proceedings under the EPF and ESI Act, is willing to make payment of the amounts claimed by the respondents on or before 31.03.2024 and further prays that on such payment the attachment orders may be lifted.

6.The learned counsels for the respondents have no objection and have consented to the same.

7.The learned counsel for the first respondent in W.P.No.14351 of 2022 submits that a sum of Rs.3,00,46,828/- calculated till the end of this month is due from the petitioner to the first respondent. The learned counsel



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for the second respondent submits that as on 31.01.2024 a sum of Rs.3,53,94,602/- is due to the second respondent. As far as the dues of the third respondent is concerned an amount of Rs.1,05,63,658/- is due.

8.Considering the submission of the petitioner that he is willing to settle the aforesaid dues of the respondents, this Court directs the petitioner to make the said payments to the respective respondents on or before 31.03.2024. On receipt of the said payments, the respondents shall pass orders lifting the order of attachment within a period of two weeks from the date of receipt of the payments. It is made clear that the aforesaid payments will be made by the petitioner without prejudice to the rights of the petitioner to dispute / initiate and pursue proceedings under the EPF and ESI Act in accordance with law. It is also made clear that if the petitioner defaults in making the payments within the stipulated period, the impugned order shall stand revived.

9.With the above directions, these writ petitions are disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions stand closed.



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Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

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To

1.Regional PF Commissioner – II & Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Dr.Balasundaram Road,
Coimbatore – 641 018.

2.Deputy Director/Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office, Ramanathapuram,
Coimbatore – 641 015.

3.Land Revenue Officer,
Pongalur,
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N.MALA, J.
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