



W.P.(MD)No.16210 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16210 of 2024

and

W.M.P.(MD)Nos.14087 and 14089 of 2024

V.Selva Sridevi

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner/IOC,
Employee's Provident Fund Organisation,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi-626 189.

2.The Recovery Officer,
Employee's Provident Fund Organisation,
District Office, AKM Complex,
Old Virudhunagar Road,
Madurai Region, Sivakasi-626 189.

3.The Sub Registrar,
Thiruthangal,
Siavakasi.

4.M/s.MSTC Limited,
A Government of India Enterprises,
C/o.Thiru G.Sundaresan,
The Recovery Officer,
Employee's Provident Fund Organisation,
District Office, AKM Complex,
Old Virudhunagar Road,
Madurai Region,
Sivakasi-626 189.

... Respondents



W.P.(MD)No.16210 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned auction sale notice of the second respondent dated 12.07.2024 published in the Tamil Daily “Dinathanthi” Madurai Edition dated 13.07.2024 quash the same and consequently forbearing the respondents herein 1 to 4 herein from attaching the properties of the petitioner in the wake of recovery of dues under the EPF Act without following the due process of law.

For Petitioner : Mr.K.Muthu Ganesa Pandian
For R1 & R2 : Mr.A.John Xavier
Standing Counsel
For R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.K.Muthu Ganesa Pandian, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the third respondent and Mr.A.John Xavier, learned Standing Counsel for the first and second respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner would submit that Sri Ravindra Fireworks was established by the family members of the husband of the petitioner. Her husband died in the year 2018 and thereafter the



W.P.(MD)No.16210 of 2024

said establishment was closed. Hence, the petitioner could not remit the EPF contribution on the due dates, for which, the respondent initiated the proceedings under Section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Finally, damages were levied for a sum of Rs.31,17,551 and interest was determined as Rs.16,92,511/-. Challenging the same, the present Writ Petition has been filed.

4.As against the order passed by the Original Authority, there is an efficacious appeal remedy available before the Appellate Authority under Section 7(I) of the Employees Provident Funds and Miscellaneous Provisions Act. Since an efficacious alternate statutory remedy is available to the writ petitioner, the present Writ Petition is not maintainable.

5.Hence, this Writ Petition stands **dismissed**. However, liberty is granted to the writ petitioner to file an appeal before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To



W.P.(MD)No.16210 of 2024

R.N.MANJULA, J.

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