



WP(MD)No.3646 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.3646 of 2018
and
WMP(MD)Nos.3767, 3768 of 2018

O.A.A.Ananthapadmanaban

.. Petitioner

v.

1.The Recovery Officer,
The Employees' Provident Fund Organization,
Sub Regional Office,
R-40A I, TNHB Shopping cum Office Complex,
Mogappair Road, Mogappair East,
Chennai – 600 037.

2.The Recovery Officer,
The Employees' Provident Fund Organization,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents 1 & 2 relating to the Certificate of Attachment of movable property of the petitioner bearing



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No.TN/SRO/AMB/1189/RRC's/2016, dated 19.08.2016 bearing No.EPF CP 16, of the first respondent and the notices for settlement of proclamation bearing No.EPFCP 17, dated 30.10.2017 and No.MD/MDU/RO/RECY/TN/AMB/1189/CP-17, dated 22.11.2017 of the second respondent, quash the same and consequently, forbear the respondents from initiating proceedings against the personal assets of the Managing Director / Directors of the Company for recovery of dues payable by Sri Seetha Venkatesh Mills Limited, Kathirvedu Village, Saidapet Taluk, Puzhal Post, Chennai.

For Petitioner : Mr.C.Mahadevan

For Respondents : Mr.V.S.Karthi

ORDER

The order of attachment passed by the PF Authority for the liabilities of M/s.Sri Seetha Venkatesh Mills Limited is challenged in this writ petition.



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2.The contention of the petitioner is that for the liabilities of the Company, proceedings was initiated as against the personal properties of the then Managing Director of the Company. It is also reported that the petitioner / Managing Director has passed away.

3.Learned Standing Counsel for the respondents, by referring to the counter affidavit filed by the respondents, submitted that the entire dues have been collected from the immovable properties of the petitioner's establishment and not from the personal properties of the petitioner. He further submitted that no final recovery action has been taken by the second respondent u/s.8B to 8G of the Act, by putting the attached immovable property of the petitioner in public auction to liquidate the dues payable by the petitioner establishment. He further submitted that the petitioner is still liable to pay a sum of Rs.21,500/- towards the recovery charges and on receipt of the said charge, the respondents would lift the attachment of the petitioner's immovable property.



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4.Considering the nature of attachment, that the petitioner is also no more and the quantum of charge still liable to be paid, this writ petition stands disposed of, with a direction to the respondents / PF Authorities to issue notice to the legal heirs of the petitioner and thereafter, pass appropriate orders, after determining the liability of the Company, the Managing Director and the legal heirs.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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B.PUGALENDHI, J.

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