



WP(MD)No.17697 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)Nos.14237, 14238 of 2017

P.Dharmalingam

.. Petitioner

v.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
No.1, LDC Road,
Chinna Chokkikulam, Madurai.

2.The Enforcement Officer,
Employees Provident Fund Organization,
Regional Office,
No.1, LDC Road,
Chinna Chokkikulam, 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 relating to the impugned order of the first respondent in reference No.TN/MDU/42261/Recy/WR1003/2017 dated 07.07.2017, for recovering



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a sum of Rs.10,61,155/-, quash the same and directing the second respondent not to attach the personal property of the petitioner.

For Petitioner : Mr.M.N.Ramkumar

For Respondents : Mr.S.Anwar Sameem

ORDER

The order of attachment passed on the petitioner's property for the liability of the Melur Taluk Co-operative Housing Society Ltd is challenged in this writ petition.

2.The respondents / PF Authorities have determined the liabilities of the Society u/s.7A of the EPF Act and levied damages u/s.14B of the EPF Act. Interest was also levied u/s.7Q of the EPF Act. However, the Society has failed to challenge those orders. As a consequential proceedings, this order of attachment has been passed on the properties of the then Secretary of the Society.



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3.Learned Counsel for the petitioner submitted that the Society itself has become defunct and has been closed down. In fact, it is the case of the respondents that the Society was locked down and therefore, the consequential proceedings of attachment has been made for recovering the dues as per the orders u/s.7A, 14B, 7Q of the Act, however, it was made on the petitioner's properties.

4.Since it is reported that the Society itself has become defunct and that the order of attachment has been made as against the properties of the then Secretary, this Court is inclined to interfere with the impugned order of attachment. Accordingly, this writ petition stands allowed and the impugned order dated 07.07.2017 is set aside. The matter is remanded back to the file of the respondents for fresh consideration, in the light of the guidelines issued by the Hon'ble Full Bench of this Court in the decision in *Sun Pressing (P) Ltd and Others v. Presiding Officer and Others* [2024 (1) Writ L.R. 801].



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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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