



W.P.No.3730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.3730 of 2025

and

WMP.Nos.4117, 4121 & 4122 of 2025

Thangamani,
Proprietor, M/s. The Thirupathy Package,
No.97/A, Puliyamara Thottam,
Chinnavedampatty, Coimbatore – 641 006.

...Petitioner

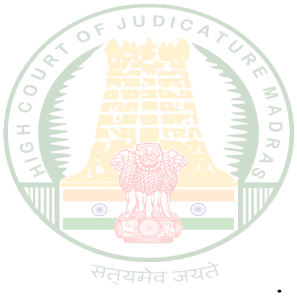
Vs.

1. The Recovery Officer,
ESIC, 1897, Trichy Road,
Panchdeep Bhavan, Ramanathapuram,
Coimbatore – 641 045.

2. The Branch Manager,
City Union Bank,
Maniakaranpalayam Branch (IFSC:CIUB0000487),
Old No.36A/7, New No.103, Bharathiyar Road,
Maniakaranpalayam, Coimbatore – 641 006.

3. The Branch Manager,
Canara Bank,
SF.No.92, D.No.1/C1, Sathy Road,
Ramakrishnapuram, Ganapathy,
Coimbatore – 641 006.

...Respondents



W.P.No.3730 of 2025

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the proceedings in Impugned order No.CBE/RECY/CP-4/56001086820000606 dated 12.09.2024 issued by the 1st respondent and quash the same as arbitrary and illegal and devoid of merits in so far as against the petitioner and direct the respondents to release the accounts of the petitioner from the proceedings initiated by the 1st respondent against M/s.Sri Thirupathy Packaging and all acts done in furtherance thereof.

For Petitioner : M/s.Sangamithra

For Respondents : Mr.K.Sidharth, for R1

ORDER

This Writ petition has been filed seeking quashment of the proceedings of the 1st respondent in order No.CBE/RECY/CP-4/56001086820000606 dated 12.09.2024 and to consequently direct the respondents to release the bank accounts of the petitioner.

2. Mr.K.Sidharth, learned counsel takes notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.



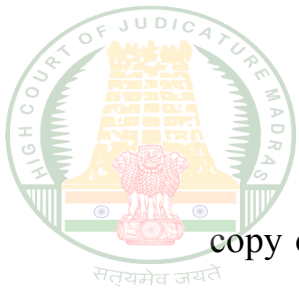
W.P.No.3730 of 2025

3. Since no adverse order is being passed against the 2nd and 3rd

respondents, notice to the 2nd and 3rd respondents is dispensed with.

4. It is the case of the petitioner that, she is the proprietor of *M/s. The Thirupathy Package*, which is into the business of manufacture of corrugated carton boxes and the same was started in the year 2017 by obtaining GST registration on 11.07.2017 and the said company has four temporary employees. While so, all of a sudden, the bank account bearing No. 512020010021009 maintained with the 2nd respondent in the name of *M/s. The Thirupathy Package* and the personal Savings bank account having No.2987101005649 maintained with the 3rd respondent were freezed by the 2nd and 3rd respondents respectively. Upon enquiry, the petitioner came to know that the impugned Prohibitory Order dated 12.09.2024 was issued by the 1st respondent, in furtherance of which the accounts of the Petitioner were freezed by the 2nd and 3rd respondents respectively. Challenging the same, the petitioner has come up with this Writ petition.

5. Learned counsel for the petitioner submitted that, the petitioner was not aware of the Prohibitory Order being issued and she obtained a



W.P.No.3730 of 2025

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copy of the same from the 2nd respondent. Upon verification of the said order, the petitioner came to know that the Impugned Prohibitory Order dated 12.09.2024 was issued against one *M/s.Sri Thirupathy Packaging*, who had business previously in the same address, where the petitioner is currently running the business in the name and style of *M/s. The Thirupathy Package* and the petitioner is in no way connected with the said company and both of them are different entities. However, even without verifying the said fact, the petitioner's bank accounts have been freezed, without any prior intimation to the petitioner, which is wholly unsustainable. Accordingly, she prayed for appropriate orders.

6. On the above said contentions, heard the learned counsel appearing on behalf of the 1st respondent and perused the material documents placed on record.

7. A perusal of the materials available on record reveals that, the said *M/s.Sri Thirupathy Packaging* was a partnership firm run by one R.Kodhandaraman and R.Balakrishnan and the same was dissolved in the year 2017. However, it is pertinent to note that, the said Balakrishnan is none other than the husband of the petitioner and for non payment of ESI



W.P.No.3730 of 2025

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Contribution by the petitioner's husband and his partner, the ESI Authorities initiated proceedings under ESI Act for payment of ESI dues and passed order under section 45A of the ESI Act and the same became final as the same was not challenged in appeal. Thereafter, for recovery of the amount, the present impugned order came to be passed. In the aforesaid factual background, this Court is of the view that, the present Writ petition filed by the petitioner is misconceived and thereby, this Court is not inclined to interfere with the order impugned.

8. However, in order to afford one opportunity to the petitioner, this Court, directs the petitioner to pay the entire demand amount of Rs.7,81,240/- made by the 1st respondent under Section 45-A of the Act, without any interest within a period of twelve weeks from the date of the receipt of a copy of this order. Upon such payment being made by the petitioner, the bank accounts of the petitioner maintained with the 2nd and 3rd respondents shall be defreezed forthwith by the 1st respondent. Failing compliance of the above direction of this Court, it is open to the 1st respondent to initiate appropriate action against the petitioner in accordance with law.



W.P.No.3730 of 2025

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07.02.2025

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NCC : Yes / No
Index : Yes / No
Speaking order : Yes / No

To:

The Recovery Officer,
ESIC, 1897, Trichy Road,
Panchdeep Bhavan, Ramanathapuram,
Coimbatore – 641 045.



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M.DHANDAPANI, J.

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