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W.P.No.7473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7473 of 2025
and W.M.P.Nos.8362 and 8363 of 2025**

U.Rishab

... Petitioner

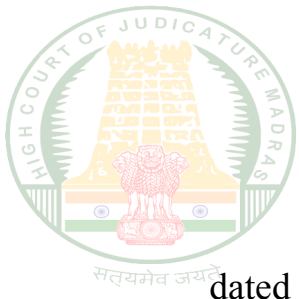
Vs.

1.The Union of India,
Ministry of Labour and Employment,
Represented by its Secretary,
New Delhi.

2.The Regional P.F.Commissioner-II,
Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office, S-1, TNHB Phase III,
Sathuvachari, Vellore-632 009.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Auction Notice No.TB/VLR/23990/Recovery/2025 dated 29.01.2025, issued by the second respondent and quash the same and consequentially direct the second respondent to lift/release the attachment relating to Recovery Certificate



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dated 12.04.2022 issued against M/s.Rifah Leather Uppers (P) Ltd., which wrongly includes the petitioner's property.

For Petitioner : Mr.V.Shrivirudishni
for Mr.Thirumalai Rajagopal

For Respondent : Mr.R.Sidharth for R1
Mr.K.Srinivasamurthy for R2

ORDER

This Writ Petition has been filed challenging the impugned Auction Notice No.TB/VLR/23990/Recovery/2025 dated 29.01.2025, issued by the second respondent and for a consequential direction to the second respondent to lift/release the attachment relating to Recovery Certificate dated 12.04.2022 issued against M/s.Rifah Leather Uppers (P) Ltd., which includes the petitioner's property.

2. The learned counsel appearing for the petitioner submits that the property which was shown in the impugned order was purchased by the petitioner's father, namely, Utham Chand Jain, by way of a registered sale



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deed dated 18.03.2019 vide Document No.2465 of 2019 on the file of the Sub-Registrar Office, Ambur and his father passed away on 14.10.2020 and thereafter, all the legal heirs executed a Release Deed dated 21.12.2020 transferring their respective shares in favour of the petitioner vide Document No.8975 of 2020 on the file of the Sub Registrar Office, Ambur. After transferring the property, the original seller committed default for non-payment of the Provident Fund Dues and the subject property was attached and the impugned auction notice was issued by the second respondent for non-payment of arrears of Rs.26,33,557/-. Immediately, the petitioner has taken Demand Draft in favour of the second respondent vide Demand Draft bearing No.50017, dated 28.02.2025, to the tune of Rs.26,33,557/- and the recovery charges of Rs.49,045/- have also been paid vide Demand Draft No.500118 dated 03.03.2025. The learned counsel further submits that since the entire provident fund dues as claimed by the second respondent were paid, this Court may reserve the petitioner's right to recover the amounts paid to the second respondent from M/s.Rifah Leather Uppers (P) Limited/ seller of the property.



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3. The learned counsel appearing for the respondent submits that since the petitioner deposited the entire demand amount as claimed by the second respondent vide impugned auction notice, this Court may allow the writ petition and the property may be released from any encumbrance in favour of the petitioner. Liberty may be granted to the petitioner to work out his remedy against the defaulter/seller.

4. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent.

5. Since the petitioner has deposited the entire amount as demanded by the second respondent vide impugned auction notice dated 29.01.2025, the impugned Auction Notice No.TB/VLR/23990/Recovery/2025 dated 29.01.2025 issued by the second respondent is set aside and the subject property is directed to be released from any encumbrance in favour of the petitioner. Liberty is granted to the



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petitioner to work out his remedy against the defaulter/seller of the property in the manner known to law.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

03.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

- 1.The Union of India,
Ministry of Labour and Employment,
Represented by its Secretary,
New Delhi.
- 2.The Regional P.F.Commissioner-II,
Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office, S-1, TNHB Phase III,
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M.DHANDAPANI, J.

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