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W.P.No.21810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.21810 of 2025

C.Balakrishnan

... Petitioner

Vs

1.The Regional Commissioner-II
Employees' Provident Fund Organisation
Ministry of Labour & Employment
Government of India
351/5, Raju Majestic, I Floor, Cauvery Road
Karungalpalayam - 638 003
Erode District, Tamil Nadu.

2.The Sub Registrar
Pallipalayam - 638 008
Namakkal District, Tamil Nadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation dated 05.03.2024 and to lift the encumbrances over petitioner property i.e., vacant land bearing Plot Nos.15 and 16 totally admeasuring 3000 sq.ft. comprised in Survey No.312/2 of Pallipalayam Agraharam Village, Kumarapalayam Taluk, Namakkal District.

For Petitioner : Mr.Dinuprashanth.S.



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For Respondents : Mr.R.Vishnu for R1
Mr.P.Harish
Government Advocate for R2

ORDER

The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution for a mandamus, directing the first respondent to consider the representation dated 05.03.2024 and to remove the encumbrances created over the petitioner's property.

2. The petitioner's property is a vacant land bearing Plot Nos.15 and 16, totally admeasuring 3000 sq ft., in Survey No.312/2 of Pallipalayam Agraharam Village, Kumarapalayam Taluk, Namakkal District, which is the subject matter of attachment by the first respondent-EPFO by its order dated 05.03.2024, and hence, he seeks to lift the encumbrance over the same.

3. The case of the petitioner is that the subject property was originally owned by one late.Natesan. He died intestate on 07.04.2014 leaving behind him surviving his wife, mother and two sons namely N.Kannan and N.Senthil Kumar as his legal heirs. Thereafter, the wife and mother of



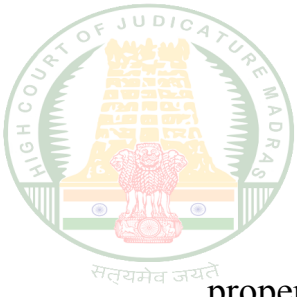
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late.Natesan had released their undivided shares in favour of their two sons under the partition right release deed. The subject property in the writ petition is shown as 8th item in the said partition release deed.

4. Prior to his demise, the said Natesan appeared to have mortgaged the property in question, as well as his other properties, and had obtained loans from various banks. All these loans have been duly discharged by him. After his demise, his two sons have also mortgaged the subject property including their other properties with the Indian Overseas Bank and had obtained loans, which were also subsequently discharged by them.

5. The two sons of late.Natesan were the Directors of a Spinning Mills called M/s.Sri Textile Erode Pvt Ltd., On 04.11.2015, they had once again mortgaged the property in question along with other properties with M/s.Tamil Nadu Merchantile Bank Ltd., Erode, and had obtained a loan. and the same was also discharged. Therefore, the property was free from encumbrances as on 05.04.2019. The entries relating to the mortgages and its discharge are reflected in the encumbrance certificate.



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6. Thereafter, on 08.04.2019, the petitioner had purchased the subject property from the sons of late Natesan namely Kannan and Senthil Kumar, under a registered sale deed for a valid sale consideration and from the date of purchase, the petitioner has been in absolute possession and enjoyment of the property. The said sale was registered before the second respondent vide Doc.No.964/2019.

7. While so, on 20.01.2025, the petitioner came to learn that there is an order of attachment in respect of the subject property and the same was entered by the second respondent as early as on 02.01.2024 in the encumbrance certificate in Entry No.1/2024. To ascertain the same, the petitioner had applied for the certified copy of the said entry. The petitioner was shocked to learn that an order of attachment of immovable property dated 18.12.2023 was issued by the first respondent, which list out the subject property along with other two properties. This order of attachment was on account of the failure on the part of Sri Textiles Pvt Ltd., in paying EPF dues, wherein it also required the second respondent to enter encumbrance in respect of the said properties and to issue Form-16 forthwith.



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8. The petitioner immediately had given his written representation on 05.03.2024 to the first respondent informing his right over the property and calling upon him to lift the attachment with regard to the property in question. This application has not been considered to date. Hence, the present writ petition seeking a mandamus to the first respondent to consider his representation dated 05.03.2024.

9. The contention of the petitioner is that for the default of M/s.Sri Textiles Pvt Ltd. in paying the EPF dues, their properties were attached by the first respondent by order dated 18.12.2023, wherein the first respondent without application of mind, had attached the subject property of the petitioner, which was sold to him by his erstwhile owners, namely N.Kannan and N.Senthil Kumar, the Directors of M/s. Sri Textiles Pvt Ltd., Hence, the petitioner seeks to lift the attachment as concerning his property and in this regard, he had submitted his representation dated 05.03.2024, and the same is pending to date without any response. It is also informed by the counsel for the petitioner that steps are being taken by the first respondent to bring the property in question to sale.



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10. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2.

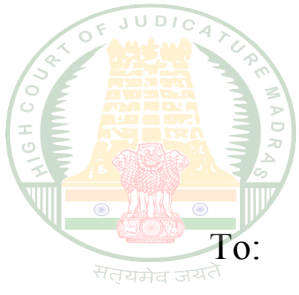
11. Taking into account the grievance of the petitioner that for no fault of his, the property that was already sold to him and in his possession, was also brought under attachment along with the properties of his vendors, who had defaulted in making EPF contributions to the first respondent, and also the fact that the petitioner only seeks a mandamus to the first respondent to consider his representation dated 05.03.2024 with regard to lifting of encumbrance over his property, the writ petition is allowed and a mandamus is issued to the first respondent to pass orders on the representation of the petitioner, within a period of three months from the date of receipt of a copy of this order, till such time, the first respondent shall not proceed with the attachment order. No costs.

20.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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