



W.P.(MD) No.6000 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6000 of 2025

and

W.M.P.(MD) No.4395 of 2025

Green Garden Resort
rep.by its Proprietor
M/s.S.Selvakumar
Shenbagadevi Street
Old Courtallam-627 814
Tenkasi District

... Petitioner

-VS-

The Deputy Director
Sub Regional Office
Employees State
Insurance Corporation
Panchdeep Bhavan
ESIC Complex, Salai Street
Vannarpettai, Tirunelveli-627 003

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned notice dated 14.11.2024 in No.66-00-044273-000-1101/Ins-II/PH, issued by the respondent, quash the same as illegal.

For Petitioner : Mr.B.Prasanna Vinoth



W.P.(MD) No.6000 of 2025

WEB COPY

ORDER

This writ petition has been filed by the petitioner questioning the notice dated 14.11.2024, issued by the respondent, whereby the petitioner was required to appear for enquiry on 03.12.2024.

2. According to the learned counsel for the petitioner, the authorized representative of the petitioner appeared before the respondent on 03.12.2024 and the matter was adjourned without giving any future date and no orders have been passed pursuant to the said enquiry conducted on 03.12.2024.

3. The said proceedings are initiated under Section 45-A of the Employees State Insurance Act, 1948 (in short, “the ESI Act”). The present writ petition has been filed on the apprehension that the respondent is likely to pass orders under Section 45-A of the ESI Act, in a mechanical manner, without considering the materials placed before them by the petitioner.



W.P.(MD) No.6000 of 2025

WEB COPY

4. According to the learned counsel for the petitioner, on an earlier occasion, in spite of the petitioner placing all the relevant documents before the respondent in respect of the previous periods, the respondent has passed an order dated 01.02.2024 under Section 45-A of the ESI Act, in a mechanical manner, without addressing the objections and submissions made by the petitioner.

5. This Court, having heard the learned counsel for the petitioner at length, is unable to accept his contentions and to entertain this writ petition at this stage. The respondent has not passed any orders under Section 45-A of the ESI Act in respect of the financial years 2021-2022 to 2024-2025. Hence, this Court is of the view that it is for the respondent to pass appropriate orders under Section 45-A of the ESI Act and in accordance with law. This Court also expects that the respondent would duly take into consideration all the documents submitted by the petitioner and also consider the objections raised by the petitioner, while passing orders under Section 45-A of the ESI Act, pursuant to the enquiry conducted on 03.12.2024 under the impugned notice.



W.P.(MD) No.6000 of 2025

WEB COPY

6. In the light of the above, this writ petition is disposed of subject to the observations made herein above and the respondent shall strictly take into consideration the entire materials placed before them by the petitioner and also consider the objections that are already raised by the petitioner, while passing orders pursuant to the impugned notice. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.6000 of 2025

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.6000 of 2025
and
W.M.P.(MD) No.4395 of 2025

10.03.2025