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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9241 of 2023

and

W.M.P(MD)Nos.8317 & 8318 of 2023

Mahatma Nursey and Primary School,
Rep. by its Principal,
M.Muthu Krishnaveni

...Petitioner

Vs

1.The Authorised Recovery Officer,
Office of the Recovery Office,
Sub Regional Office,
Employee State Insurance Corporation,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli - 3.

2.The Branch Manager,
Indian Overseas Bank,
No.7, Jubilee Road,
Opp. to Post Office, Ilanji,
Tenkasi District - 627 805.

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified mandamus**, calling for the entire records relating to the impugned order issued by the 1st respondent vide proceedings No. 66-00-041465-000-1301/RRC/SRO/TLI, dated 11.01.2023, for the order of recovery and attachment issued under Section 45G of ESI Act, 1948, and quash the same and consequentially directing the respondent 1st and 2nd to de-froze the account attached to the 2nd respondent Bank.

For Petitioner : M/s.A.L.Kannan

For Respondents : Mr.I.Pinaygash for R1
Mr.N.Dilipkumar for R2

* * * * *

ORDER

The present Writ Petition has been filed challenging the order of recovery passed by the first respondent herein, dated 11.01.2023.

2.A perusal of the records reveal that though the petitioner has been served with the order passed under Section 45A of the E.S.I. Act, 1948, they have not chosen to challenge the said order. In such circumstances, this Court is not inclined to entertain the present Writ Petition as against the garnishee order passed under Section 45G of the E.S.I. Act, 1948.



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3. With the above said observations, this Writ Petition stands disposed of with liberty to the petitioner to file an appeal before the appropriate forum. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No

RJR



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R.VIJAYAKUMAR, J.

RJR

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