



W.P.(MD)No.23919 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.23919 of 2019

and

W.M.P.(MD)No.20532 of 2019

M/s.Azhagappa Spinning Mills Private Ltd.,
Rep.By its Personnel Officer,
A.Mohan, S/o.P.Appadurai,
Sankarankoil Road, Muthukudi Village,
Rajapalayam Taluk, Virudhunagar District.

... Petitioner

Vs.

1.Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Lady Doak College Road,
Chokkikulam, Madurai-2

2.The Recovery Officer,
Employees Provident Fund Organisation,
Lady Doak College Road,
Chokkikulam, Madurai-2.

... Respondents



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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 proclamation of sale notice issued by the 2nd respondent in his proceedings in MD/MDU/1125/Recy/CP-13/2019 dated 21.10.2019 and quash the same as illegal.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.K.Muralisankar,
Standing Counsel for EPF

ORDER

This Writ Petition has been filed aggrieved by the proceeding No. MD/MDU/1125/Recy/CP-13/2019 dated 21.10.2019 issued under Sections 8B to 8G of the “Employees' Provident funds and Miscellaneous Provisions Act, 1952” (hereinafter referred to as 'the Act 1952') proposing to sale of immovable property of the petitioner for recovery of an amount of Rs.2,72,842.45P being the amount due towards damages under Section 14B of the Act 1952.



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2. This Court while entertaining the Writ Petition has granted interim stay on condition of petitioner depositing an amount of Rs.50,000/-. According to learned counsel for the petitioner, the petitioner has already complied with the said order.

3. Today, when the matter is taken up, it is brought to the notice of this Court that the petitioner has already availed the remedy of appeal against the order passed under Section 14B of the Act 1952 before the appellate Tribunal and the appellate Tribunal has also granted interim stay in A.T.A.No. 998(13)/2005 and the said stay is still operating.

4. The said submission made by the learned counsel for the petitioner is not disputed by Mr.K.Muralisankar, learned Standing counsel appearing for the respondents.

5. In the light of the fact that the amount which is subject matter of the impugned proclamation of sale was already subjected to an appeal and an



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interim stay was granted, the impugned proclamation of sale last it's base and cannot be allowed to continue. In the light of the above, the impugned order cannot be sustained and the same is accordingly, quashed. However, it is left open to the respondents to take appropriate steps on the disposal of the ATA No. 998(13)/2005, by the appellate Tribunal.

6. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation: Yes / No
Index : Yes / No

vsm



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