



W.P.(MD) No.11253 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.11253 of 2017

and

W.M.P.(MD) Nos.8631, 8632, 10133 of 2017, 11946 of 2020 & 4611 of 2022

Sri Naga Nanthana Mills P Ltd.
Vakkanankundu Post
Aruppukottai Taluk
Virudunagar District
through its Director

... Petitioner

-VS-

1.The Regional Provident Fund Commissioner-II
Employees' Provident Fund Organisation
Regional Office – Lady Doak College Road
Chokkikulam
Madurai-625 002

2.The Recovery Officer
The Regional Provident Fund Commissioner-I
Employees's Provident Fund Organisation
Regional Office – Lady Doak College Road
Chokkikulam
Madurai-625 002

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records from the file of the first respondent herein in No.TN/24116/MDU/Enf.C/Circle 16/16001/2016, dated 11.04.2016 and subsequent orders of the second respondent passed the attachment of immovable property in No.E.P.F.C.P.16-TN/MDU/RECY/24116/CP16/2016, dated 27.10.2016 and consequent notice of setting a sale proclamation issued in No.TN/MDU/RO/RECY/24116/2017, dated 24.05.2017 and to quash the same and to direct the first respondent to provide opportunity to the petitioner by way of conducting 7A enquiry and to decide the matter on merits.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.K.Muralisankar

ORDER

This writ petition has been filed by the petitioner – Company challenging the order, dated 11.04.2016, passed by the first respondent, subsequent orders of the second respondent, dated 27.10.2016, and the consequent notice of setting a sale proclamation, dated 24.05.2017, issued by the second respondent and to direct the first respondent to provide



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opportunity to them by way of conducting 7A enquiry and to decide the matter on merits.

2. Today, when the matter is taken up for hearing, it is brought to the notice of this Court that the petitioner – Company is now under liquidation by virtue of the orders passed in MA/17/2018 in CP/611/IB/2017, dated 21.06.2018, by the National Company Law Tribunal, Single Bench, Chennai, appointing Mr.S.Muthuraju, Company Secretary, as liquidator for liquidation of the petitioner – Company.

3. In view of the same, the petitioner – Company represented by its Director cannot prosecute this writ petition any further and it is for the said liquidator to take appropriate steps to come on record in this writ petition. But, even after a lapse of about six years, the said liquidator has not taken any steps. Hence, the Director, who filed this writ petition in the representative capacity of the petitioner – Company, is incompetent to prosecute this matter. Hence, this Court is not inclined to adjudicate the matter on merits on this sole ground.



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4. Accordingly, this writ petition is closed leaving it open to the liquidator to take appropriate steps, if he intends to prosecute this writ petition any further. No costs. Consequently, connected miscellaneous petitions are closed.

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

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MUMMINENI SUDHEER KUMAR, J.

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