



W.P.(MD) No.35817 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2025

CORAM

THE HONOURABLE MR. JUSTICE K.SURENDER

W.P.(MD)No.35817 of 2025

and

W.M.P.(MD)Nos.28440 & 28442 of 2025

M/s.Marudupandiyar College (Arts & Science),
No.257/4A, Trichy Main Road,
Vallam Post,
Thanjavur – 613 403,
Rep. by its Secretary and Managing Trustee,
Rep. by K.Marudhupandiyan,
S/o.Konnamuthu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Regional Director,
Regional Office (Chennai),
Employees State Insurance Corporation,
Panchadeep Bhawan, No.143,



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Sterling Road,
Chennai – 600 034.

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3.The Sub Regional Officer (Salem),
Office of Sub Regional Office,
Employees State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem – 636 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the third respondent in No.63-00-011769-000-1303/6282023957/23 dated 25.03.2025 and to quash the same.

For Petitioner : Mr.S.Venkatesan
For Respondents 1 & 3 : Mr.P.Subbaraj,
Special Government Pleader
For Respondent No.2 : Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed seeking to quash the impugned proceedings issued by the third respondent in No. 63-00-011769-000-1303/6282023957/23 dated 25.03.2025.



2.With the consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The facts of the case is that the petitioner was issued with the impugned notice in No.63-00-011769-000-1303/6282023957/23 dated 25.03.2025. The only contention raised by the by the learned Counsel appearing for the petitioner is that the question of asking for the outstanding beyond five years from the date on which the contribution becomes payable is barred under the second proviso to Section 45-A of the Employees' State Insurance Act, 1948.

4.The learned Counsel appearing for the ESI Corporation would submit that similar issues have been settled by the Full Bench of this Court in W.P.No.34236 of 2019 etc., batch.

5.A perusal of the impugned order reveals that it is nothing but a show cause notice issued to the petitioner for the purpose of enquiry. Hence, all the contentions raised by the petitioner herein regarding the scope of enquiry and the demand made beyond five years can be agitated before the enquiry. Further, the third



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respondent is directed to conduct the enquiry in accordance with law and pass orders on merits.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[K.SURENDER, J.]

15.12.2025

MR

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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To

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