



WEB COPY



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W.A.(MD)NO.536 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)Nos.536 & 550 of 2023 AND

C.M.P.(MD)No.5435 of 2023

Arulmigu Kallalagar Temple,
Alagarkoil,
Rep. Through its
Deputy Commissioner and
Executive Officer.

... Appellant/ Petitioner
in both WAs.

Vs.

1. The Director General,
Employees State Insurance Corporation,
New Delhi.

2. The Employees State Insurance
Corporation through its
Regional Director,
Regional Office,
K.K.Nagar,
Madurai – 625 020.

3. The Deputy Director(INS-II),
Employees State Insurance Corporation,
Sub-Regional Office(Madurai),
2, West Street, K.K.Nagar,
Madurai – 625 020.

... Respondents / Respondents
in both WAs.



Common Prayer : Writ appeals filed under Clause 15 of Letters Patent, to set aside the order of the learned single Judge dated 05.08.2022 passed in W.P.(MD)Nos.10198 and 10199 of 2022 on the file of this Court and thereby allow these writ appeals with costs.

(in both WAs.)

For Appellant : Mr.S.Manohar

For Respondents : Mr.I.Pinaygash,
Standing counsel.

* * *

COMMON JUDGMENT

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant is the temple coming under the Tamil Nadu Hindu Religious and Charitable Endowments Act. They question the levy of contribution under the ESI Act and they also question the consequential recovery order. The learned single Judge disposed of the writ petitions on the ground that the appellant can avail the alternative remedy before the ESI Court(Labour Court) under Section 75 of the ESI Act.



3. We permit the appellant to file OP before the ESI Court under Section 75 of the ESI Act. If such an OP is filed within a period of four weeks from the date of receipt of a copy of this order, it will be entertained without reference to limitation. The appellant can also question the very applicability of the ESI Act. The ESI Court will not insist on making any pre-deposit. These writ appeals stand disposed of accordingly. We make it clear that we have not gone into the merits of the matter. If the appellant fails to approach the ESI Court within the time period, the respondents can proceed to enforce the order impugned in the writ petitions. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
23rd February 2026

NCC : Yes / No
Index : Yes / No
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AND

R.KALAIMATHI, J.

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