

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 7787 of 2006 (B)

PETITIONER(S):

**JOSE, S/O.LUKA, VETTIKATTUKUNNEL,
MUTHALAKODAM, THODUPUZHA,
IDUKKI DISTRICT.**

BY ADV. SRI.P.VBABY.

RESPONDENT(S):

- 1. THE WELFARE FUND INSPECTOR -2,
KERALA TODDY WORKERS WELFARE FUND OFFICE,
KOTTAYAM, KOTTAYAM DISTRICT.**
- 2. THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM.**
- 3. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, THODUPUZHA.**
- 4. THE VILLAGE OFFICER, THODUPUZHA.**

*** ADDL. R5 IMPEADED**

- 5. THE KERALA ABKARI WORKERS WELFARE FUND BOARD,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.**

*** ADDL. R5 IS IMPEADED AS PER ORDER DATED 11/02/2011
IN I.A. NO.2183/2011.**

**R1 BY ADVS. SRI.K.D.BABU, SC.
SRI.A.K.JOHN, SC.
R2 TO R4 BY GOVT. PLEADER SRI.V.K. RAFEEQ.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE NOTICE DATED 13/05/1999 ISSUED BY THE 3RD RESPONDENT.
- EXT.P2 COPY OF THE NOTICE DATED 16/08/2001 ISSUED BY THE 3RD RESPONDENT.
- EXT.P3 COPY OF THE RECEIPT DATED 08/04/2002 ISSUED BY THE 4TH RESPONDENT.
- EXT.P4 COPY OF THE COMMUNICATION DATED 08/04/2002 SENT BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P5 COPY OF THE COMMUNICATION DATED 08/04/2002 SENT BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P6 COPY OF THE INTERIM ORDER DATED 17/04/2002 IN C.M.P. NO.18788/2002 IN O.P. NO.10662/2002 OF THIS HONOURABLE COURT.
- EXT.P7 COPY OF THE JUDGMENT DATED 25/10/2002 IN O.P. NO. 10662/2002 OF THIS HONOURABLE COURT.
- EXT.P8 COPY OF THE LICENSE IN RESPECT OF T.S. NO.49/2002-2003 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXT.P9 COPY OF THE ORDER DATED 28/06/2005 OF THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

K.VINOD CHANDRAN, J

W.P.(C) No.7787 of 2006

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner was aggrieved with Ext.P9 demand issued by the Welfare Fund Inspector of the Kerala Toddy Workers Welfare Fund, the first respondent herein. The petitioner admittedly had been conducting toddy shop Nos. 92 to 94 within the Pala Excise Range between 1998 and 1999. On the petitioner being issued with demand under the Toddy Workers' Welfare Fund Act, the petitioner is said to have paid the entire amounts before the Village Officer, Thodupuzha. However, the Village Officer, Thodupuzha deposited the same with the Abakri Workers' Welfare Fund instead of Toddy Workers Welfare Fund.

The learned Standing Counsel appearing for the Toddy Workers Welfare Fund confirms that such payment to the Abkari Workers' Welfare Fund Board has now been

transferred to the Toddy Workers Welfare Fund. In such circumstance, Ext.P9 would stand set aside since the demand against the petitioner is satisfied.

The writ petition would stand disposed of as above.
No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE

//true copy//

P.A to Judge

smv