

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WA.No. 1613 of 2014 () IN WP(C).594/2014

AGAINST THE JUDGMENT IN WP(C) 594/2014 of HIGH COURT OF
KERALA DATED 13-06-2014
APPELLANT(S)/RESPONDENT NO.1:

THE WELFARE FUND INSPECTOR - I
KERALA TODDY WORKERS WELFARE FUND BOARD, KOTTAYAM
PIN: 686 003.

BY ADV. SRI.K.D.BABU, SC, KTWWFB (TODDY WORKERS WE
RESPONDENT(S)/PETITIONER & RESPONDENTS 2 TO 4:

1. P.V.PRASANNAN
S/O VELAYUDHAN, KALLACHERRY, KUMMARAKOM EAST P.O.
KOTTAYAM.

2. THE TAHSILDAR (RR),
KOTTAYAM, PIN: 686 001.

3. THE DISTRICT COLLECTOR,
KOTTAYAM DISTRICT, KOTTAYAM, PIN: 686 001.

4. THE MANAGER,
FEDERAL BANK, PUTHUPPALLY BRANCH,
KOTTAYAM - 686 001.

R1 BY ADV. SRI.K.REGHU KOTTAPPURAM
BY GOVERNMENT PLEADER SRI.C.R. SHYAMKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

.....
W.A.No. 1613 of 2014
.....

Dated this the 18th day of February, 2015

JUDGMENT

Shaffique, J.

This Appeal has been filed by the first respondent challenging the Judgment dated 13-6-2014 in W.P.C. No. 594/2014. The Writ Petition was filed by the first respondent herein challenging the revenue recovery proceedings initiated against him inter alia contending that the same is barred by limitation. It is not in dispute that the amount claimed under the revenue recovery proceedings is with reference to advance amount payable by the petitioner during the period 2000-2001 to the Welfare Fund Board. Even according to the appellant, revenue

recovery proceedings were initiated by giving registration to the Revenue Authorities only during 2006-2007.

2. The main contention urged by the appellant was that they were entitled for the benefit available to the Government to recover amount i.e. they were entitled for 30 years period to recover the amount. This position is covered by a Full Bench decision of this Court in **Raveendran Nair M.G. v. State of Kerala and others – 2014 (4) KHC 518 (FB)** wherein the Full Bench held that to avail the benefit of Article 112 of the Limitation Act, the recovery should be made either the State Government or the Central Government. In so far as the present case is concerned, requisition is made by the statutory authority, they will not be entitled to avail the benefit of Article 112, which provides for limitation period of 30 years. Under such circumstances, the Full Bench Judgment which is decided with

reference to the recovery amounts under the Toddy Workers Welfare Fund Act, 1969 (Kerala), as well squarely applies. Hence, we do not find any ground to interfere with the judgment of the learned Single Judge. Accordingly, this Writ Appeal is dismissed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

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/truecopy/

P.S.toJudge