

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

W.P.(C).No.10408 of 2007 (L)

PETITIONER(S):-

1. VESUAMMA, W/O MADHAVANEZHUTHACHAN,
KAZHANI, KAVASSERY, ALATHUR THALUK.
2. THANKAMMA, W/O CHAMIKKUTTY EZHUTHACHAN,
POOVAKKODDE, KAZHANI, KAVASSERY,
ALATHUR THALUK.

BY ADVS.SRI.A.R.GANGADAS
SRI.K.R.RAJKUMAR.

RESPONDENT(S):-

1. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD.
- * 2. THE AGRICULTURAL TRIBUNAL,
PALAKKAD [DELETED].

[2ND RESPONDENT IS DELETED AS PER ORDER DATED 21.3.2011
IN I.A.NO.4835 OF 2011 AT THE RISK OF THE PETITIONERS].

3. M.SAHADEVAN,
NADAKKAVU VEEDU, KEZHANI, KAVASSERY,
PALAKKAD.

R1 BY GOVERNMENT PLEADER SRI.T.J.MIHAEL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P(C).NO.10408 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ORDER NO.D3-41885/2004/K-DIS.
 DATED 10.11.20-04 ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT
 DATED NIL.
- EXT.P3 TRUE COPY OF THE LETTER NO.C3-17425/06 DATED 26.12.2006
 ISSUED BY THE TAHSILDAR, ALATHUR.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/

(true copy)

K.Vinod Chandran, J.

W.P.(C).No.10408 of 2007-L

Dated this the 16th day of January, 2015

JUDGMENT

The writ petition is filed against an award passed by the Agricultural Tribunal, Palakkad [for brevity “the Tribunal”], produced at Exhibit P2. The only issue considered was whether the same could be maintained as an agricultural dispute under the Agricultural Workers Act, 1974 [for brevity “the Act”]. The issue referred was denial of employment.

2. Admittedly, under Section 42 of the Act, there was an exemption available to land owners having less than one hectare extent of land. The specific contention of the land owner, the party-respondent herein, was that he had only 0.4532 hectares of paddy land. The agricultural workers, however, contended that the land owner had land far in excess of what is prescribed under Section 42. The Tribunal found that there is no evidence adduced to substantiate the said contention. In fact, in cross-examination, one of the workers, being the 1st petitioner herein, categorically deposed about the

extent of land possessed by the land owner; which was below 1 hectare and entitled to exemption. The petitioner relies on Exhibit P3 order obtained under the Right to Information Act, 2005 to contend that the land owner along with his wife had property above 1 hectare and hence the exemption under Section 42 will not be applicable. Exhibit P3 is obtained after the order Exhibit P2. The admission of the witness for the workmen itself supported the claim of exemption. Exhibit P3 does not indicate whether the husband and wife possessed the properties shown therein, when the dispute was referred and as to what was the extent cultivated. In such circumstances, this Court does not find any reason to interfere with the impugned order.

The writ petition would stand dismissed. Parties are left to suffer their respective costs.

Sd/-
K.Vinod Chandran
Judge

vku/-

(true copy)