

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 3652 of 2015 (F)

PETITIONERS:

1. U.P.THYAGU, S/O.UPENDRAN, CHANDU NIVAS,
NJEKKADU, VADASSERIKONAM P O, VARKALA,
THIRUVANANTHAPURAM.
2. RAMACHANDRAN, S/O.NARAYANAN,
PARUTHIYAZHIKATHU, KOLLAM.
3. SAJIV, S/O.SASI, THAKIDI VILAKATH,
OTTASEKHARAMANGALAM, KOLLAM.
4. SUBI, S/O.BALAKRISHNAN, SAJI VILASOM,
ALAPPATT, KEEZHTHONNAKKAL VILLAGE,
POTHENCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.TRIPTEN

RESPONDENTS:

1. WELFARE FUND INSPECTOR,
TODDY WORKERS WELFARE FUND BOARD,
THIRUVANANTHAPURAM - 695 001.
2. TREASURY OFFICER, TREASURY OFFICE,
EAST FORT, THIRUVANANTHAPURAM-695 001.
3. EXCISE DEPUTY COMMISSIONER, OFFICE OF
THE EDXCISE DEPUTY COMMISSIONER,
THIRUVANANTHAPURAM-695 001.
4. COMMISSIONER OF EXCISE, EXCISE COMMISSIONER
OFFICE, THIRUVANANTHAPURAM-695 001.
5. BABUJAN, CHARUVILA PUTHEN VEEDU,
KALANJOOR P O, ADOOR-689 645.

R2 TO R4 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R1 BY ADV. SRI.RENIL ANTO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 3652 of 2015 (F)

PETITIONER'S' EXHIBITS:

EXT. P1:-TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT

EXT. P2:-TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 20/10/2014

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.3652 of 2015 F

Dated this the 12th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for the first respondent, as well as the learned Government Pleader for respondents 2 to 4, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioners and the fifth respondent, being the licencees for running toddy shops in Group I of Varkala Range, remitted an amount of ₹ 2,88,000/- towards security of wages and other benefits of toddy workers. When the licence came to an end, the petitioners applied to respondents 2 and 3 for refund of the security amount. As could be seen from Exhibit P2 issued by the third respondent, the petitioners have produced

certificates from the Toddy Workers Unions stating that they have paid the entire wages and other benefits to the workers and no arrears are outstanding against them in that regard.

3. The second respondent has, however, refused to return the security amount on the ground that petitioners have not obtained the consent of the fifth respondent. Aggrieved thereby, the petitioners have filed the present writ petition.

4. The learned counsel for the petitioners has submitted that, though the fifth respondent was a co-licencee, presently his whereabouts are not known and that the petitioners are claiming the amount proportionate to their share. He has further submitted that the second respondent can pay the amount to the petitioners excluding the share of the fifth respondent, so that no prejudice is caused.

5. In the facts and circumstances, since the petitioners do not have any statutory liability, it serves the interest of justice if a direction is given to the second respondent to the following effect:

The second respondent shall process the petitioners' application and, if there are no other statutory constraints, pay to the petitioners the security amount, excluding the proportionate share of the fifth respondent, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above direction, the writ petition stands disposed of. No order as to costs.

Dama Seshadri Naidu, Judge

tkv