

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936**

**WP(C).No. 4202 of 2015 (A)**  
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**PETITIONER :**  
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**ABBAS HASSAN KUTTY, AGED 55 YEARS  
S/O.HASSAN KUTTY, THEKKINTHODIYIL HOUSE  
VENGANELLUR P.O., CHELAKKARA, THRISSUR DISTRICT.**

**BY ADVS.SRI.C.A.NAVAS  
SRI.T.K.SASIKUMAR  
SRI.P.A.SHAJI SAMAD  
SOLOMON C.J.  
SMT.E.G.AMBILY**

**RESPONDENTS :**  
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- 1. THE ASSISTANT LABOUR OFFICER (GRADE-1),  
COLLECTORATE, AYYANBTHOLE, THRISSUR DISTRICT – 675 011.**
- 2. THE VILLAGE OFFICER  
VENGANELLUR VILLAGE, THRISSUR DISTRICT – 675 011.**
- 3. THE DEPUTY TAHSILDAR,  
REVENUE RECOVERY, THALAPPILLY TALUK,  
THRISSUR DISTRICT – 675 011.**
- 4. THE DISTRICT COLLECTOR  
COLLECTORATE, AYYANTHOLE,  
THRISSUR DISTRICT – 675 011.**
- 5. STATE OF KERALA  
REPRESENTED BY THE SECRETARY, LABOUR DEPARTMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM – 695 001.**

**R1 TO R5 BY GOVT. PLEADER SRI. SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 4202 of 2015 (A)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1:-       PHOTOSTAT COPY OF THE CERTIFICATE NO. 3886/2012 DTD. 3/10/2012  
ISSUED BY THE PANCHAYATH.**
- EXT. P2:-       PHOTOSTAT COPY OF THE LAWYER NOTICE DTD. 10/1/2013.**
- EXT. P3:-       THE PHOTOSTAT COPY OF THE POSTAL AD CARD DTD. 19/1/2013.**
- EXT. P4:-       THE PHOTOSTAT COPY OF THE RR NOTICE DTD. 26.12.2014 U/S.7 OF  
THE RR ACT.**
- EXT. P5:-       THE PHOTOSTAT COPY OF THE NOTICE DTD. 26/12/2014 U/S.34 OF  
THE RR ACT.**
- EXT. P6:-       THE PHOTOSTAT COPY OF THE APPLICATION DTD. 4/2/2015 UNDER  
RIGHT TO INFORMATION ACT.**

**RESPONDENT(S)' EXHIBITS :       NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A.K.JAYASANKARAN NAMBIAR, J.**

.....  
**W.P.(C) No.4202 of 2015 (A)**

.....  
Dated this the 11<sup>th</sup> day of March, 2015

**JUDGMENT**

The petitioner, who had approached this Court, challenging revenue recovery steps initiated against him for recovery of cess amounts under the Kerala Construction Workers' Welfare Cess Act,1996 (for short, 'the Act'].

2. The learned counsel for the petitioner contends that, he was never served with the order, on the basis of which the revenue recovery proceedings were initiated against him.
3. The learned Government Pleader, on the basis of a counter affidavit filed on behalf of the 1<sup>st</sup> respondent, would submit that, pursuant to a notice that was issued to the petitioner, the adjudicating authority had already passed an order assessing the petitioner to the cess under the Act. It is stated that the copy of the order was sent to the petitioner by registered post, but was returned with the endorsement "refused".
4. I have heard Sri.C.A.Navas, the learned counsel for the petitioner and Sri.Shyson P. Manguzha, the learned Government Pleader for the respondents.

5. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:

- i. Insofar as the petitioner has since obtained a copy of the order passed against him under Kerala Construction Workers' Welfare Cess Act, 1996, the petitioner would have to pursue his statutory remedies against the said order in terms of the said Act.
- ii. To enable the petitioner to do so, the interim order passed on 10.02.2015, shall continue to be in force till 31.03.2015.

sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

AMV/12/03/

