

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 8180 of 2010 (V)

PETITIONER:

**K.RAMADASAN, S/O.LATE SRI.SANKARAN NAIR
KUNYIL HOUSE, P.O.NADUVATHOOR,
KOYILANDY, KOZHIKODE.**

BY ADV. SRI.B.VJOY SANKER

RESPONDENT(S):

- 1. COMMISSIONER FOR WORKMEN'S COMPENSATION &
DEPUTY LABOUR COMMISSIONER, KOZHIKODE.**
- 2. TAHSILDAR, REVENUE RECOVERY,
KOZHIKODE.**
- 3. LEELA,W/O.DECASED ASHOKAN,
NARANGOLIMEETHAL HOUSE, P.O.NADUVATHOOR,
KOYILANDY, KOZHIKODE.**

R1 & R2 BY GOVT. PLEADER SRI.P.P.PADMALAYAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE JUDGMENT DATED 18.9.06 IN M F A 587 OF 1997
OF THIS HON'BLE COURT.
- EXT. P2 : TRUE COPY OF THE SHOW CAUSE NOTICE RECEIVED FROM THE
DEPUTY LABOUR COMMISSIONER DATED 29.12.2006.
- EXT. P3 : TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED
- EXT. P4 : TRUE COPY OF THE SETTLEMENT WRITTEN AND ISSUED BY THE
3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ANU SIVARAMAN, J.

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W.P. (C) No. 8180 of 2010

Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner was the 2nd respondent in W.C.C No. 129 of 1987 before by the Deputy Labour Commissioner, Kozhikode. The 3rd respondent herein is the widow of the claimant before the authority under the Workmens' Compensation Act, 1923 (*hereinafter referred as "the Act"*). It was the contention of the claimant that he had sustained injuries, while engaged as an employee of the father of the petitioner. By order dated 16.05.1990 in W.C.C. No. 129 of 1987, the 1st respondent awarded a compensation of Rs.29,117/- with simple interest to the claimant. Appeal preferred against the said award was also dismissed by Ext.P1 judgment. Thereafter, the matter was proceeded in execution and revenue recovery notice as evidenced by Ext.P3 was issued to the petitioner and his mother for recovery of the amount awarded.

2. Petitioner submits that he had paid the entire amount of compensation to the 3rd respondent and had produced

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evidence of such payment by Ext.P4 before the 1st respondent. However, no steps were taken and the revenue recovery is being proceeded with, it is submitted. In this Writ Petition, notice has been served on the 3rd respondent, but she does not appear. It is submitted that amounts have been paid by the petitioner to the village officer also, so that coercive steps would not be continued against him. It is the specific case of the petitioner that the entire amount due under the award stands satisfied by the petitioner and the 3rd respondent has acknowledged the receipt of the amount by Ext.P4.

3. In the above circumstances, the revenue recovery proceedings against the petitioner ought to have been recalled by the 1st respondent. This has not been done by the 1st respondent. The petitioner does not state, whether an application producing Ext.P4 and seeking for recalling the revenue recovery notice has been made by the petitioner before the 1st respondent.

In the above circumstances, the Writ Petition is disposed of reserving liberty with the petitioner to approach the 1st respondent or the Industrial Tribunal to which the jurisdiction under the Act since has been transferred, seeking recall of the

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revenue recovery proceedings initiated against the petitioner. If such an application is made, the authority under the Act shall consider the same and pass orders thereon within a period of one month from the date of receipt of the copy of this judgment. To enable compliance with the direction in this judgment, the petitioner is directed to produce a copy of this judgment before the authority empowered under the Act to consider his application.

Sd/-

**ANU SIVARAMAN,
JUDGE**

DST

//True copy//

P.A. To Judge