

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 5849 of 2015 (E)

PETITIONER(S):

**RAHEEM K.K., AGED 39 YEARS
S/O KUNJUMOIDEENKUTTY, KOMBARAMURI HOUSE
AROOKUTTY PO., CHERTHALA, ALAPPUZHA DISTRICT.**

**BY ADVS.SMT.R.LEELA
SMT.P.I.SHAMLATH**

RESPONDENT(S):

**1. THE DISTRICT LABOUR OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFDICE,
ALAPPUZHA DISTRICT.**

**2. AROOKUTTY PANCHAYATH
REP. BY THE SECRETARY, AROOKUTTY,
ALAPPUZHA DISTRICT,
PIN:686 535.**

R1 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PAYMENT EXTRACTS MAINTAINED BY THE PETITIONER SHOWING THE DETAILS OF PAYMENT MADE BY THE PETITIONER TO THE CONTRACTOR.

EXHIBIT P2: TRUE COPY OF THE COVER OF THE REGISTERED LETTER.

EXHIBIT P3: TRUE COPY OF THE ASSESSMENT NOTICE NO.C1/CHL/2127/14 DATED 6.1.2014.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No.5849 of 2015

Dated this the 03rd day of March, 2015

J U D G M E N T

Obviously, after filing of the writ petition, an order has been passed under the Building and other Contract Workers Welfare Cess Act, 1996, demanding an amount of Rs.20544/-. The writ petition was filed on the ground of Ext.P3 assessment dated 06.01.2014 and hearing was scheduled on 29.01.2015.

2. The learned Government Pleader, on instruction, submits that there is a mistake in the date and actually Ext.P3 is dated 06.01.2015. In the circumstance of the order of demand having been passed on assessment, this Court would not extend its jurisdiction under Article 226 of the Constitution. To challenge the same, the petitioner has an appellate remedy, which the petitioner is entitled to avail. However, if the petitioner wants to satisfy the amounts in

installments, he may be granted six monthly installments. The 1st instalment shall be paid on or before 06.04.2015 and thereafter; the due date of instalments falling on the 06th of each succeeding month. If default is committed in two consecutive instalments, then the recovery proceedings shall revive and continue. On payment of such installments any further interest demand shall be made by the 2nd respondent, which shall be satisfied as the 6th installment. The said directions are subject to any appeal being filed by the petitioner, and the orders passed thereon.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge