

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 14195 of 2012 (Y)

PETITIONER:

V.A.SULAIMAN RAWTHER,
VARAPOTHUKUDI VEEDU, MARADI, MOOVATTUPUZHA.

BY ADVS.SMT.A.K.PREETHA
SMT.V.K.REMASMRITHI

RESPONDENT(S) :

1. KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD,
OFFICE OF THE KERALA MOTOR TRANSPORT
WORKERS WELFARE FUND BOARD
ANDAMUKKAM
KOLLAM, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER-691 001.

2. DISTRICT EXECUTIVE OFFICER
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
OFFICE OF THE KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD
ERNAKULAM-682 030.

3. THE VILLAGE OFFICER
VILLAGE OFFICE, MARADY, MOOVATTUPUZHA-686561.

4. K.N.THANKAPPAN
S/O.NARAYANAN, KUNNAPPILlichalil HOUSE
PEZHAKKAPPILLY P.O., MOOVATTUPUZHA-686561.

R1,R2 BY ADV. SRI.P.RAMAKRISHNAN, SC, KMTWF BOARD
R4 BY ADV. SRI.K.BALACHANDRAN (MANGALATH)
R4 BY ADV. SRI.RAJESH NAIR
R4 BY ADV. SRI.BIJOY CHANDRAN
R BY GOVERNMENT PLEADER SRI NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS

EXT.P1: JOINT APPLICATION DT.21.6.1990 SUBMITTED BY THE PETITIONER AND THE 4TH RESPONDENT BEFORE THE REGIONAL TRANSPORT AUTHORITY ERNAKULAM.

EXT.P2: TRUE COPY OF THE STATEMENT DATED 29.07.1992 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE CERTIFICATE OF INSURANCE ISSUED BY THE UNITED INDIA INSURANCE COMPANY IN RESPECT OF STAGE CARRIAGE NO.KEF 7333.

EXT.P4: TRUE COPY OF THE NOTICE DT.15.7.1991 ISSUED BY THE 2ND RESPONDENT DEMANDING ADVANCE CONTRIBUTION.

EXT.P5: TRUE COPY OF THE NOTICE DATED NIL, ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P6: TRUE COPY OF REQUISITION DATED 16.4.2012 FROM THE TAHSILDAR, MOOVATTUPUZHA TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS

NIL.

/TRUE COPY/

P.S TO JUDGE

P.V.ASHA, J.

W.P(c) No.14195 of 2012-Y

Dated this the 20th day of August, 2015

JUDGMENT

The petitioner as well as respondents 1 and 2 submit that on the basis of the interim order passed by this Court on 09.07.2015, the entire dues towards Kerala Motor Transport Workers Welfare Fund is paid off and the matter is settled in full satisfaction as per Order No.EE 241/91-94/2015 dated 15.07.2015, under the One Time Settlement Scheme by realising a sum of Rs.279/- (Rupees Two hundred and seventy nine only) in the office of the 2nd respondent. In this order the 2nd respondent further stated that on production of a receipt towards payment of collection charges of 1% with the Revenue Department, the proceedings initiated against the petitioner would be withdrawn.

2. The learned counsel for the petitioner points out that when the payment is already made directly to the office, there is no necessity for payment of collection charges, as held by this Court in the judgment reported in **Malabar Organics Ltd. v. State of Kerala** [2009(4) KLT 328] that there is no liability to pay collection or service charges in case defaulter pays arrears

directly to the institution. In this case, no notice has been issued under Section 7 or 34 of the Revenue Recovery Act. Therefore it is made clear that the petitioner is not liable to make any payment towards collections charges.

In the above circumstances, there will be a direction to respondents 1 to 3 to close the proceedings initiated against the petitioner.

The Writ Petition is disposed of accordingly.

rtr/

Sd/-
(P.V.ASHA, JUDGE)