

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).NO. 11380 OF 2015 (V)

PETITIONER(S) :

SUDHEESH AGED 43 YEARS
S/O.HARIDAS, PARAMEL HOUSE, THIRUVAZHIYODU
VELLINEZHI, SRIKRISHNAPURAM, CHERPULASSERI
PALAKKAD DISTRICT, PIN 679513

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR, PALAKKAD
DISTRICT, COLLECTORATE, PALAKKAD 679001

2. THE DEPUTY TAHASILDAR,
REVENUE RECOVERY, OTTAPPALAM TALUK, PALAKKAD DISTRICT
679101

3. THE VILLAGE OFFICER
VELLINEZHI VILLAGE, OTTAPPALAM TALUK
PALAKKAD DISTRICT 679101

4. THE WELFARE FUND INSPECTOR
KERALA TODDY WORKERS WELFARE FUND BOARD, DPO ROAD
THOTTUMKA, PALAKKAD 678014

R4 BY ADV. SRI.K.D.BABU,SC,KTWWFB(TODDY WORKERS WE
BY GOVERNMENT PLEADER SMT.LILLY K.T.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2008-09
DATED 23.12.2013 ISSUED BY THE 4TH RESPONDENT

P2:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2009-10
P1 DATED 23.12.2013 ISSUED BY THE 4TH RESPONDENT

P3:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2009-10
PII DATED 23.12.2013 ISSUED BY THE 4TH RESPONDENT

P4:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2010-11
DATED 03.01.2014 ISSUED BY THE 4TH RESPONDENT

P5:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2011-12
DATED 23.12.2013 ISSUED BY THE 4TH RESPONDENT

P6:TRUE COPY OF THE ORDER NO. B4-CHPLY/GR.10/14,17,18,50,51,55/2012-13
DATED 18.01.2014 ISSUED BY THE 4TH RESPONDENT

P7:TRUE COPY OF THE ORDER DATED 28.02.2014 IN WPC.NO.5882/2014 OF THIS
HONOURABLE COURT

P8:TRUE COPY OF THE CHALAN NO.357 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P9:TRUE COPY OF THE CHALAN NO.358 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P10:TRUE COPY OF THE CHALAN NO.359 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P11:TRUE COPY OF THE CHALAN NO.360 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P12:TRUE COPY OF THE CHALAN NO.361 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P13:TRUE COPY OF THE CHALAN NO.362 DATED 01.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P14:TRUE COPY OF THE CHALAN NO.349 DATED 26.02.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P15:TRUE COPY OF THE CHALAN NO.70 DATED 04.03.2014 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND BOARD.

P16:TRUE COPY OF THE JUDGMENT DATED 08.01.2015 IN WPC.NO.624/2015 OF
THIS HONOURABLE COURT

WP(C).No. 11380 of 2015 (V)

P17:TRUE COPY OF THE ORDER B4-CHLY/GR 10/14,17,18,50,51,55/2013-14
DATED 21.11.2014 DEMANDING TO PAY TODDY WORKER WELFARE FUND FOR THE
PERIOD 2013-14

P18:TRUE COPY OF THE ADVANCE DEMAND NOTICE B4/CHPLY-GR.10/14-15 ISSUED
BY THE 4TH RESPONDENT

P19:TRUE COPY OF THE CHALAN NO.977 DATED 09.01.2015 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND

P20:TRUE COPY OF THE CHALAN NO.978 DATED 09.01.2015 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND

P21:TRUE COPY OF THE CHALAN NO.979 DATED 09.01.2015 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND

P22:TRUE COPY OF THE CHALAN NO.980 DATED 09.01.2015 ISSUED BY KERALA
TODDY WORKERS WELFARE FUND

P23:TRUE COPY OF THE CHALAN DATED 07.01.2015 ISSUED BY VIJAYA BANK

P24:TRUE COPY OF THE DEMAND NOTICE DATED 16.01.2015 U/S. 7 OF THE
REVENUE RECOVERY ACT ISSUED BY THE 4TH RESPONDENT

P25:TRUE COPY OF THE DEMAND NOTICE DATED 16.1.2015 U/S.7 OF THE REVENUE
RECOVERY ACT ISSUED BY THE 4TH RESPONDENT

P26:TRUE COPY OF THE STATEMENT ISSUED BY THE 4TH RESPONDENT DATED
11.02.2015

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.11380 OF 2015

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Dated this the 3rd day of September, 2015

J U D G M E N T

The petitioner, who was engaged in the business of conducting toddy shops, is aggrieved by Ext.P24 revenue recovery notice whereby he has been directed to pay an amount of Rs.3,34,642/- together with interest at the rate 18% per annum from 06.09.2014 as arrears of welfare fund dues under the Kerala Toddy Workers Welfare Fund Act. Although various contentions are raised in the writ petition, counsel for the petitioner would now limit his prayer to the grant of an instalment facility so as to discharge the dues to the respondents.

3. I have heard the learned counsel for the petitioner, the learned Government Pleader for the respondents 1 to 3 and the learned Standing counsel for the 4th respondent.

On a consideration of the facts and circumstances of the case and submissions made across the bar and taking into account the plea of financial hardship projected on behalf of the petitioner, I

dispose the writ petition with the following directions:

(i) The total amount due and payable from the petitioner, as indicated in the revenue recovery notice is Rs.3,34,642/- together with interest at the rate of 18% per annum on the said amount from 06.09.2014. This amount would be over and in addition to the collection and other charges under the Revenue Recovery Act. Accordingly, if the petitioner pays the said amount together with interest, collection and other charges in 10 equal successive monthly instalments commencing from 30.09.2015, then further proceedings pursuant to Ext.P24 and P25 notices shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

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