

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 22520 of 2007 (E)

PETITIONER(S):

**JOSEPH DEVASSIA, AGED 54,
S/O JOSEPH, KALLUKALAM, VAZHAPPILLY EAST VILLAGE,
CHANGANACHERRY, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF EXCISE, TRIVANDRUM.**
- 2. THE LAND REVENUE COMMISSIONER,
O/O THE LAND REVENUE COMMISSIONER, TRIVANDRUM.**
- 3. THE DISTRICT COLLECTOR,
KOTTAYAM DISTRICT, CIVIL STATION, KOTTAYAM.**
- 4. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT, CIVIL STATION, ALAPPUZHA.**
- 5. THE DEPUTY TAHSILDAR,
(REVENUE RECOVERY), CHANGANACHERRY TALUK,
CHANGANACHERRY.**
- 6. THE WELFARE FUND INSPECTOR,
TODDY WELFARE FUND BOARD, ALAPPUZHA.**
- 7. P.D.THANKACHAN,
PUTHUVAL VEEDU, PULINKUNNU VILLAGE, KUTTANADU,
ALAPPUZHA DISTRICT.**
- 8. P.D.SAMBASIVAN,
PUTHUVAL VEEDU, PULINKUNNU VILLAGE, KUTTANADU,
ALAPPUZHA DISTRICT.**

Msv/

WP(C).No. 22520 of 2007 (E)

9. C.B.SUJATHA, AGED 50,
W/O P.K.CHITRABHANU, RESIDING AT NAVAJEEVAN HOUSE,
MUTTAMBALA VILLAGE, KOTTAYAM TALUK.

R1 TO R5 BY GOVERNMENT PLEADER SRI.R.RANJITH
R6 BY ADV. SRI. RENIL ANTO, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: A TRUE PHOTOSTAT COPY OF THE NOTICE DATED 27.11.2002 ISSUED IN RESPECT OF THE IMMOVABLE PROPERTY OF THE PETITIONER BY THE 4TH RESPONDENT.

EXT.P2: A TRUE PHOTOSTAT COPY OF THE NOTICE DATED 31.1.2006.

EXT.P3: A TRUE PHOTOSTAT COPY OF THE CONFIRMATION PROCEEDINGS ON 4.3.2006.

EXT.P4: A TRUE PHOTOSTAT COPY OF THE SOLVENCY CERTIFICATE ISSUED BY SMT.SUJATHA.

EXT.P5: A TRUE PHOTOSTAT COPY OF THE PETITION DATED 11.7.2007 SUBMITTED BY THE PETITIONER.

EXT.P6: A TRUE PHOTOSTAT COPY OF THE REGISTRATION SLIPS PERTAINING TO ISSUANCE OF EXT.P5.

EXT.P7: A TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 3RD RESPONDENT.

EXT.P8: TRUE PHOTOSTAT COPY OF INFORMATION DATED 15.3.2011 FROM TALUK OFFICE, CHERTHALA.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J

W.P(C) No. 22520 of 2007

Dated this the 24th day of February, 2015

J U D G M E N T

The petitioner is admittedly, a licensee, along with respondents 7 and 9, against whom proceedings were taken under the Kerala Revenue Recovery Act, 1968 for realisation of debts due under the Kerala Toddy Workers Welfare Fund Act, 1969. The liability is admitted. The proceedings culminated in Ext.P1 sale of the petitioner's property. The petitioner does not challenge that sale in the present writ petition. However, the petitioner faced with the threat of a warrant, being issued under Section 65 of the Revenue Recovery Act, is before this Court, contending that immovable properties are available as against respondents 7 to 9, which has to be proceeded with, before any proceedings for arrest is

initiated. In such circumstance, it is made clear that no proceedings under Section 65 shall be initiated until the revenue recovery proceedings against all the licensees, who have joint and several liability, is concluded.

Writ petition is allowed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge