

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 18528 of 2014 (M)

PETITIONER(S) :

NITHEESH KUMAR, S/O.NEELAKANTAN,
KOTTAKKATHU ESTATE, ANGADIKKAL SOUTH P.O,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI

RESPONDENT(S) :

1. THE TODDY WORKERS' WELFARE FUND BOARD,
ULLOOR, THIRUVANANTHAPURAM- 695 011,
REPRESENTED BY ITS CHAIRMAN.
2. TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, ADOOR, PATHANAMTHITTA DISTRICT- 691 523.
3. VILLAGE OFFICER,
ANGADIKKAL VILLAGE, PATHANAMTHITTA DISTRICT- 691 555.
4. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.

R1 BY ADV. SRI.JOY GEORGE, S.C
R2 TO R4 BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE JUDGMENT PASSED IN
W.P.(C).NO.27930 OF 2005 DATED 29.09.2005.**
- EXHIBIT P2: A TRUE COPY OF THE DEMAND DRAFT DRAWN IN FAVOUR OF
THE SECRETARY, LABOUR AND REHABILITATION (S) DEPARTMENT
DATED 18.10.2005.**
- EXHIBIT P3: A TRUE COPY OF THE INTERIM ORDER PASSED IN
W.P.(C).NO.19037 OF 2006 DATED 20.07.2006.**
- EXHIBIT P4: A TRUE COPY OF THE SALE DEED DATED 24.05.2004 REGISTERED AT
ADOOR SUB REGISTRAR'S OFFICE AS 1720 OF 2004 ON 24.05.2004.**
- EXHIBIT P5: A TRUE COPY OF THE SALE DEED DATED 22.05.2004 REGISTERED AT
ADOOR SUB REGISTRAR'S OFFICE AS 1721 OF 2004 ON 24.05.2004.**
- EXHIBIT P6: A TRUE COPY OF THE JUDGMENT MADE IN W.P.(C).NO.19037 OF 2006
DATED 27.03.2012.**
- EXHIBIT P7: A TRUE COPY OF THE LETTER ISSUED TO THE PETITIONER BY
THE WELFARE FUND INSPECTOR, KOLLAM DATED 30.07.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 18528 of 2014

Dated this the 02nd day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the recovery proceedings initiated at Ext.P7. The demand was issued on the basis of a determination order passed under the Kerala Toddy Workers Welfare Fund Act dated 17.08.2001.

2. In fact against the very same order, the petitioner was earlier before this Court with W.P(C) No.19037/2006. In the said writ petition, initially an interim order was passed as per Ext.P3. However, later, the same stood dismissed as per Ext.P6 judgment. The petitioner had not impleaded the licensees therein also. This Court found that the petitioner by not impleading the licensees had indirectly admitted that the petitioner was the agent of the licensees, who was responsible for the contribution to be made under the Kerala Toddy Workers

Welfare Fund Act. In such circumstance, there can be no reopening of the issue in a subsequent writ petition.

3. The present challenge is said to be against the revenue recovery proceedings initiated. If the petitioner approaches the 1st respondent within a period of one week from the date of receipt of the certified copy of this judgment, the 1st respondent shall immediately issue a statement of amounts due, after giving credit to any amounts paid and calculating interest at the statutory rate. The petitioner shall satisfy the said amounts due, within three installments, starting from 04.04.2015 and followed up on the 4th of the subsequent months. On payment of such installments any further interest demand shall be made by the Board, which shall be satisfied as the 4th installment. If any one default is committed or if the petitioner does not approach the Board within one week as directed herein, the respondent can proceed with the recovery proceedings. On payment of the installments regularly, the revenue recovery proceedings

shall be kept in abeyance and on payment of the entire dues, the recovery shall be closed.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge