

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 29378 of 2006 (V)

PETITIONER(S):

**K.Z. ABDUL RAHMAN,
S/O.SAINUDEEN, PALATTADUKKA HOUSE,
P.O. CHENGALA, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

RESPONDENT(S):

- 1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE, FUND BOARD,
KASARGOD DISTRICT, KANHANGAD.**
- 2. THE TAHSILDAR (REVENUE RECOVERY),
KASARGOD.**

**R1 BY ADV. SRI.NAVEEN T., SC
R2 BY GOVERNMENT PLEADER SRI.R.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: A TRUE PHOTOCOPY OF THE AGREEMENT DTD.10.7.1996.

EXT.P2: A TRUE PHOTOCOPY OF THE RELEVANT PAGE OF THE RC BOOK.

EXT.P3: A TRUE PHOTOCOPY OF THE ORDER DTD.17.1.2004.

EXT.P4: A TRUE PHOTOCOPY OF THE FINAL DETERMINATION ORDER PASSED BY
THE FIRST RESPONDENT FOR THE YEAR 2002 - 2003 DTD.9.6.2004.

EXT.P5: A TRUE PHOTOCOPY OF THE FINAL DETERMINATION ORDER DTD.6.9.2005.

EXT.P6: A TRUE PHOTOCOPY OF THE REVENUE RECOVERY NOTICE DTD.30.8.2006.

EXT.P7: A TRUE PHOTOCOPY OF THE REVENUE RECOVERY NOTICE DTD.30.8.2006.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms**v**/

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).No.29378/2006**  
~~~~~

Dated this the 17th Day of June, 2015

J U D G M E N T

The petitioner challenges revenue recovery proceedings pursuant to determination of liability by Exts.P4 and P5, by the authority under the Kerala Motor Transport Workers Welfare Fund Board. The petitioner's case is that he has not plied the vehicle from 01/07/2002 to 31/12/2002. This has been endorsed in the RC book, as evident from Ext.P2. It is submitted that the vehicle also was withdrawn as out of model in August, 2003 and since then he is not plying the said vehicle. Therefore, it is submitted that he is not liable to pay any amount towards the Kerala Motor Transport Workers Welfare Fund Board from 01/09/2003 to 31/03/2004 and it is without taking note of the above fact, determination orders have been issued. Exts.P4 and P5 are the determination notices. Petitioner submits that he was represented before the first respondent and produced all the documents. However, overlooking that fact, it was noted in Ext.P4 that the petitioner did not appear at all. Petitioner further submits that he

W.P.(C).No.29378/2006

- : 2 : -

has not received any notices before issuance of Exts.P6 and P7 demand notices.

2. I am of the view that the petitioner should be given an opportunity as the petitioner has already remitted Rs.23,000/- with the first respondent pursuant to this Court direction dated 08/11/2006. The first respondent shall after taking note of the endorsement as above, will pass appropriate orders determining liability and communicate the same to the petitioner. The petitioner shall give his address along with the judgment to the first respondent for communication and the entire exercise shall be completed within two months.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms