IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 32425 of 2007 (I)

PETITIONER(S):

BIJU GOPALAN, AGED 36,S/O.GOPALAN,
MONIPALLIKKUNNEL HOUSE, VANAPPURAM, KALIYAR P.O.
THODUPUZHA.

BY ADVS.SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL
SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND

RESPONDENT(S):

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1. **THE WELFARE FUND INSPECTOR**
   KERALA TODDY WORKERS WELFARE FUND BOARD, THODUPUZHA.

2. **THE DEPTY THAHSILDAR (RR)**
   THODUPUZHA, IDUKKI DISTRICT.

3. **THE VILLAGE OFFICER**
   VANNAPPURAM, VANNAPPURAM VILLAGE, THODUPUZHA
   IDUKKI DISTRICT.

R, BY ADV. SRI.RENIL ANTO, SC, KTWWF BOARD
RR-R2 BY GOVERNMENT PLEADER SMT.LILLY.K.T.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.32425 OF 2007 (I)

Dated this the 12th day of February, 2015

J U D G M E N T

The petitioner had approached this Court challenging Exts.P9, P10 and P11 revenue recovery notices, which were served on him for recovery of payments by way of advance contribution towards the workers welfare fund under the Kerala Toddy Workers Welfare Fund Act, 1969, hereinafter referred to as the 'Act'. The advance amount was sought to be recovered for the assessment years 2005-06 and 2006-07 under Section 8A of the Act. The advance payments are required to be made pending a final determination, under Section 8 of the Act, of the amounts due from the employer. It is now submitted by counsel for the 1st respondent that subsequently, the final determination orders under Section 8 of the Act, for the assessment years 2005-06 and 2006-07 have since been passed. In that view of the matter, the petitioner will now have to challenge the said determination orders, if he is so aggrieved by the said orders. Any demand made against the petitioners, under the Revenue Recovery Act, would also have to be revised taking note of the final determination ordesr passed. Accordingly, reserving the right of the petitioner to impugn the final determination orders passed under the Act, for the assessment years 2005-06 and 206-07, this writ petition, in its challenge against the revenue recovery notices seeking settlement of advance amounts, is dismissed as infructuous.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp