

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 27558 of 2014 (T)

PETITIONER(S):

1. SATHYABHAMA,
D/O.KUMARAN, CHOURIYEDATH HOUSE
PULLOOT P.O. KODUNGALLUR, THRISSUR DISTRICT.
2. DEVAYANI, D/O.KUMARAN,
CHOURIYEDATH HOUSE, PULLOOT P.O. , KODUNGALLUR,
THRISSUR DISTRICT.

BY ADV. SRI.M.C.JOHN

RESPONDENT(S):

1. THE TODDY WORKERS' WELFARE FUND BOARD,
REPRESENTED BY THE TODDY WORKERS' WELFARE FUND INSPECTOR,
THRISSUR-680 001.
2. P.K. SOMANATHAN, S/O.KITTU
PUNNAKKAPARAMBIL, KURUVILLASSERY VILLAGE
CHALAKUDY TALUK, THRISSUR DISTRICT - 680 307.
3. P.P. SUKUMARAN,
S/O.PRABHAKARAN, PULICKAL HOUSE
PUTHENCHIRA P.O, PUTHENCHIRA VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT- 680 682.
4. THE DEPUTY TAHSILDAR (RR),
KODUNGALLUR, THRISSUR DISTRICT- 680 664.
5. THE VILLAGE OFFICER,
KURUVILLASSERY VILLAGE, CHALAKUDY TALUK,
THRISSUR DISTRICT - 680 683.
6. THE VILLAGE OFFICER,
PUTHENCHIRA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 683.

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....2/-

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**7. THE VILLAGE OFFICER
PULLOOT, KODUNGALLUR TALUK - 680 604.**

**R2 & 3 BY ADV. SRI.P.K.SAJEEV
R4-7 BY GOVERNMENT PLEADER SMT.LILLY K.T.
R1 BY SRI.RENIL ANTO,SC,**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF FINAL ASSESSMENT ORDER DATED 31-03-2014
ISSUED BY THE 1ST RESPONDENT**
- EXT.P2 - TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 18-06-2004
ISSUED BY THE 4TH RESPONDENT**
- EXT.P3 - TRUE COPY OF RECEIPT NO.6049973 DATED 08-07-2014 ISSUED BY
THE 7TH RESPONDENT**
- EXT.P4 - TRUE COPY OF JUDGMENT DATED 10-11-2011 IN WPC.NO.29890/11 OF
THIS HON'BLE COURT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY/

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.27558 of 2014 (T)

.....
Dated this the 14th day of January, 2015

JUDGMENT

The petitioners and one Smt.Padmavati, were the original licensees in respect of toddy shops 45 to 89 of Chalakkudy Range, during the period from 01.04.1989 to 31.03.1990. During the same period, the toddy shops in question were being managed by respondent Nos.2 and 3 and Sri.C.K.Vijayan and Sri.P.S.Athman. By Ext.P1 proceedings of the 1st respondent, the liability to make contributions under the Toddy Workers' Welfare Fund Act, 1969, was fastened on the aforesaid persons. When the said persons defaulted in making the contributions pursuant to Ext.P1 order, revenue recovery steps were initiated by Ext.P2 notice solely against the petitioners and, for reasons best known to the respondents, no proceedings were initiated against the other persons including respondent Nos.2 and 3 in the writ petition. This prompted the petitioners to approach this Court seeking a direction similar to that in Ext.P4 judgment, whereby this Court had opined that the revenue recovery authorities must proceed against all persons, who were jointly found liable to effect the contributions to the 1st respondent Board.

2. I have heard Sri.M.C.John, learned counsel for the petitioners and Sri.Renil Anto, learned Standing counsel for the 1st

respondent, Sri.P.K.Sajeev, learned counsel for respondent Nos.2 and 3 and Smt.Lilly K.T., learned Government Pleader appearing on behalf of the respondent Nos.4 to 7.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I am of the view that the petitioners are entitled to a similar relief as granted by this Court in Ext.P4 judgment. Accordingly, there will be a direction to the 4th respondent to initiate proceedings for recovery of the contribution amounts, quantified in Ext.P1 order of the 1st respondent, against all the persons mentioned in Ext.P1 order of the 1st respondent, including the petitioners and the respondent Nos.2 and 3. The 4th respondent shall ensure that the proceedings are not targeted against any single person, and that all the persons aforementioned are proceeded against simultaneously for recovery of the dues.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE