

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31140 of 2015 (N)

PETITIONER:

**ABBAS HASSANKUTTY,
AGED 55 YEARS, S/O.HASSANKUTTY,
THEKKINTHODIYIL HOUSE
VENGANELLUR P.O.
CHELAKKARA, THRISSUR DISTRICT.**

**BY ADVS.SRI.C.A.NAVAS
SRI.SHAJI SAMAD P.A.
SRI.C.J.SOLOMAN
SMT.E.G.AMBILY
SRI.BABU JOSEPH PYNADATH
SRI.T.K.SASIKUMAR**

RESPONDENTS:

- 1. THE ASSISTANT LABOUR OFFICER (GRADE-1)
COLLECTORATE,
AYYANTHOLE,
THRISSUR DISTRICT - 675 011**
- 2. THE DISTRICT LABOUR OFFICER
COLLECTORATE, THRISSUR DISTRICT - 675 011**
- 3. THE VILLAGE OFFICER
VENGANELLUR VILLAGE,
THRISSUR DISTRICT - 675 011**
- 4. THE DEPUTY TAHSILDAR
REVENUE RECOVERY, THALAPPILLY THALUK
THRISSUR DISTRICT - 675 011**
- 5. THE DISTRICT COLLECTOR
COLLECTORATE, AYYANTHOLE,
THRISSUR DISTRICT - 675 011**
- 6. STATE OF KERALA
REPRESENTED BY THE SECRETARY, LABOUR DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001**

BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 31140 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - PHOTOSTAT COPY OF THE CERTIFICATE NO.3886/2012 DATED 03.10.2012
ISSUED BY THE PANCHAYATH.**
- P2 - PHOTOSTAT COPY OF THE LAWYER NOTICE DATED 10.01.2013**
- P3 - PHOTOCOPY OF THE POSTAL AD CARD DATED 19.01.2013**
- P4 - THE PHOTOSTAT COPY OF THE RR NOTICE DATED 26.12.2014 U/S 7 OF
THE RR ACT**
- P5 - THE PHOTOSTAT COPY OF THE RR NOTICE DATED 26.12.2014 U/S 34 OF
THE RR ACT**
- P6 - THE PHOTOSTAT COPY OF THE APPLICATION DATED 04.02.2015 UNDER
RIGHT TO INFORMATION ACT.**
- P7 - THE PHOTOSTAT COPY OF THE JUDGMENT DATED 11.03.2015 IN
WPC.NO.4202/2015 OF THE HONOURABLE HIGH COURT OF KERALA.**
- P8 - THE PHOTOSTAT COPY OF THE APPLICATION UNDER THE RIGHT TO
INFORMATION ACT DATED 31.7.2015**
- P9 - THE PHOTOSTAT COPY OF THE ORDER NO.C1-6895/11 DATED 04.09.2012**
- P10 - THE PHOTOSTAT COPY OF THE CERTIFICATE NO.6312/2012 DATED
03.10.2012 ISSUED THE CHEALKKARA GRAMA PANCHAYATH.**
- P11 - THE PHOTOSTAT COPY OF THE CERTIFICATE NO.817/2015 DATED
26.03.2015 ISSUED THE VENGANELLOOR VILLAGE OFFICE**
- P12 - THE PHOTOSTAT COPY OF THE CERTIFICATE NO. A 8/1535/2015 DATED
03.03.2015 ISSUED THE CHEALKKARA GRAMA PANCHAYATH.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.31140 OF 2015

Dated this the 15th day of October, 2015

JUDGMENT

Ext. P9 order of assessment made under the Kerala Building and other Construction Workers Welfare Cess Act, 1996 (the 'Act' for short) is impugned. The petitioner is free to challenge the order of assessment in a statutory appeal. The insistence on the payment of the entire cess together with one percent fee for filing the statutory appeal cannot be said to be arbitrary. The Act is a welfare legislature intended for the benefit of the construction workers.

2. The petitioner was relegated to the statutory remedy even earlier by Ext. P7 judgment. The petitioner however contends that the same was in respect of the adjacent building. I do not find that a different yardstick should be adopted in respect of this building. Any appeal

filed within one month from today shall be dealt with within a period of two months therefrom. The contention that the construction was effected even before the Act came into force can also be urged in the appeal.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS