

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937**

**WP(C).No. 33719 of 2014 (L)**  
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**PETITIONER(S):**  
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**P. RAJASEKHARAN,  
S/O.LATE E.K. MENON, AGED 58 YEARS,  
PRESENTLY RESIDING AT NIDHI HOUSE, SIVA GARDENS,  
MANALI, MARUTHAROAD, PALAKKAD.**

**BY ADVS.SRI.BINOY VASUDEVAN,  
SMT.P.G.BABITHA.**

**RESPONDENT(S):**  
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**1. THE DISTRICT COLLECTOR,  
COLLECTORATE, PALAKKAD-678 101.**

**2. THE TAHSILDAR,  
REVENUE RECOVERY, PALAKKAD-678 101.**

**3. THE DISTRICT LABOUR OFFICER,  
PALAKKAD-678 101.**

**\* ADDL. R4 IMPEADED**

**4. P.M. KUNJU, PHARMACIST,  
LAMIYA MEDICALS, SAID NURSING HOME,  
OLAVANKODE, PALAKKAD-678 101.**

**\* IS IMPEADED AS PER ORDER DATED 18/12/2014 IN I.A.17362/2014.**

**R1 TO R3 BY GOVT. PLEADER SMT.M.T. SHEEBA.  
ADDL. R4 BY ADV. SRI.RAHUL SHENOY.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

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**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- P1: COPY OF THE ORDER NO.B8/2011/6150/9 DATED 07.11.2014  
ISSUED BY THE FIRST RESPONDENT.**
- P2: COPY OF THE NOTICE TO SHOW CAUSE ISSUED BY THE  
FIRST RESPONDENT.**
- P3: COPY OF THE REQUEST SUBMITTED BY THE PETITIONER'S WIFE.**
- P4: COPY OF THE COMMUNICATION ISSUED BY THE FIRST RESPONDENT.**

**RESPONDENT'S EXHIBITS:-        **NIL.****

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C).No.33719/2014**  
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Dated this the 24<sup>th</sup> Day of June, 2015

**J U D G M E N T**

The petitioner challenges Exts.P1 and P2 orders respectively issued under the Revenue Recovery Act, 1968 (for short, the "RR Act"). The impugned orders have been passed to invoke action under Section 65 of the RR Act to arrest the petitioner to realise the labour dues from him. The petitioner's case is that he has no means and without considering the same, the above orders have been passed. It is further submitted that the petitioner was also not given sufficient opportunity to contest the matter.

2. Taking note of the facts and circumstances and treating Exts.P1 and P2 are as show cause notices, the petitioner shall raise his objections before the first respondent-District Collector within one month from the date of receipt of a copy of this judgment. Thereafter, appropriate decision shall be taken by the District Collector after conducting necessary inquiry within a further period of one month and communicate the order to the petitioner. If it is decided to proceed against the petitioner under Section 65 of the RR Act, necessarily, that order shall be kept suspended

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**-:2:-**

for a period of two weeks after communication to the petitioner to enable him to work out his remedy.

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

**Sd/-**

**A.MUHAMED MUSTAQUE, JUDGE**

ms