

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937**

**WP(C).No. 34522 of 2015 (M)**  
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**PETITIONER:**  
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**C.H.MOIDEENKUNHI HAJI,  
PROPRIETOR,  
SOUPARNIKA APARTMENT,  
PALLIKKUNNU  
CHIRAKKAL P.O.,  
KANNUR DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)  
SRI.ABDUL RAOOF PALLIPATH**

**RESPONDENTS:**  
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- 1. THE DEPUTY LABOUR OFFICER  
DISTRICT LABOUR OFFICE,  
KANNUR-1.**
- 2. THE STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
LABOUR DEPARTMENT  
TRIVANDRUM - 695 001.**

**BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 34522 of 2015 (M)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1- TRUE COPY OF THE COMPLETION PLAN**
- P2- TRUE COPY OF THE CERTIFICATE ISSUED BY THE PALLIKUNNU GRAMA PANCHAYATH DATED 10/06/2011.**
- P3- TRUE COPY OF THE NOTICE FROM THE IST RESPONDENT DATED 03/09/2015.**
- P4- TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE IST RESPONDENT.**
- P5- TRUE COPY OF THE PROCEEDINGS OF THE IST RESPONDENT DATED 26/09/2015.**
- P6- TRUE COPY OF THE REVISED ORDER OF THE IST RESPONDENT DATED 04/11/2015.**

**RESPONDENT(S)' EXHIBITS:-NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

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**W.P.(C). NO. 34522 OF 2015**  
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Dated this the 17<sup>th</sup> day of November, 2015

**JUDGMENT**

Ext. P6 revised order passed in terms of the Building and Other Construction Workers Welfare Cess Act, 1996 is very much appealable. The revised order was passed after entertaining Ext. P4 petition filed by the petitioner thereby scaling down the amount from Rs. 16,08,000/- to Rs. 9,70,592/-.

2. The petitioner has raised many factual and legal issues which can be gone into in an appeal under Section 11 of the Building and Other Construction Workers Welfare Cess Act, 1996. Moreover the petitioner has not impleaded the other six co-owners in respect of the property to whom the petitioner wants to shift the burden.

3. I think it is only appropriate that the petitioner invokes the appellate remedy and the invocation of writ

jurisdiction under Article 226 of the Constitution of India is misconceived.

The writ petition is dismissed without prejudice to the right of the petitioner to file an appeal as indicated.

**V. CHITAMBARESH  
JUDGE**

DCS