
(2022) 10 KL CK 0092

In the High Court Of Kerala

Case No : Writ Petition (C) No. 32232 Of 2022

A. Bashuruddin

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-10-2022

Acts Referred:

Citation : (2022) 10 KL CK 0092

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : P.Anoop, Christabel D Avravu, V.K.Sunil

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with following prayers:

i. Issue a writ of Certiorari or directions in the nature of or similar to writ of Certiorari or order to quash Exhibit P6 demand notice dated 13.09.2022.

ii. Issue a writ or directions in the nature of or similar to writ of Mandamus or order directing the 2nd respondent to stop all further proceedings against petitioner with respect to Exhibit P6 notice.

iii. Issue a writ or directions in the nature of or similar to writ of Mandamus or order directing the 2nd respondent to consider and dispose off Exhibit P2 reply expeditiously as possible within a time limit fixed by this Honourable Court.

(SIC)

2. Petitioner is having a property to an extent of 14 cents with a residential building. According to the petitioner, the construction of building was completed in February 1995. The 2nd respondent issued Ext.P1 show cause notice as per order dated 28.04.2015 to pay cess amount as per the Kerala Building and Other Construction Workers' Welfare Cess Act, 1996. The petitioner submitted Ext.P2

reply. It is the case of the petitioner that the 2nd respondent did not consider the same and now proceeding with the revenue recovery proceedings as evident by Ext.P6 notice. Hence this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. Admittedly the petitioner submitted Ext.P2 reply to Ext.P1 show cause notice. Without considering the grievance raised in Ext.P2, it is not proper on the part of the respondents to proceed with recovery. Therefore, there can be a direction to consider Ext.P2 within a time frame, after giving an opportunity of hearing to the petitioner and thereafter, based on the decision, the respondents can proceed in accordance to law.

Therefore, this writ petition is disposed of in the following manner:

1. The 2nd respondent is directed to consider and pass appropriate orders in Exts.P2, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.

2. Till final orders are passed as directed above, all coercive steps based on Ext.P6 shall be deferred.