
(2000) 02 KL CK 0014
In the High Court Of Kerala
Case No : O.P. No. 4256 of 1995

Balan	Vs	APPELLANT
Tahsildar		RESPONDENT

Date of Decision : 01-02-2000

Acts Referred:

Kerala Revenue Recovery Rules, 1968 — Rule 5

Citation : (2000) 1 KLJ 452

Hon'ble Judges : K.A. Abdul Gafoor, J

Bench : Single Bench

Advocate : M.P. Asokkumar and K.V. Sohan, for the Appellant; N. Shantha, Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

K.A. Abdul Gafoor

1. Petitioner was a contractor of toddy shops. He had liability to pay contribution towards Kerala Toddy Workers Welfare Fund. It was not paid in time. That resulted in requisition by the Kerala Toddy Workers Welfare Fund Board to the District Collector to initiate revenue recovery proceedings against the petitioner. Request was made on 11-9-93. Thereupon, Ext.P8 demand notice was issued on 22-11-1993. Even before that the petitioner remitted the entire amount due towards Toddy Workers Welfare Fund Board on 9-11-93. The Toddy Workers Welfare Fund Board does not have a case that any amount is due from him. But, the petitioner is further made liable by the revenue authorities for the collection charges in terms of Rule 5 of the Kerala Revenue Recovery Rules. As per the said rules, collection charges at 5% shall be paid, on the arrears collected. In this case, no arrears had been collected by the revenue recovery officials. Therefore, the petitioner does not have the liability to pay collection charges. The grievance of the petitioner is confined only to the collection charges.

Accordingly, O.P. is allowed. No costs.