

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

W.P.(C).No.4575 of 2010 (V)

PETITIONER(S):-

MINI JOSEPH, AGED 45 YEARS, W/O.PHILIP LUKOSE,
RESIDING AT VELLIYAN HOUSE, OLASSA PO., KOTTAYAM.

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):-

1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND, KOTTAYAM.
2. THE DISTRICT COLLECTOR, KOTTAYAM.
3. THE VILLAGE OFFICER, AYAMANNAM, KOTTAYAM.
4. THE GOVERNMENT OF KERALA,
REPRESENTED BY COMMISSIONER & SECRETARY TO GOVERNMENT,
LABOUR & REHABILITATION DEPARTMENT, THIRUVANANTHAPURAM.
5. A.M.RAJAN, SREEJAYAM (ATTACHIRA),
SACHIVOTHAMAPURAM, KURICHY, KOTTAYAM.

R1 BY STANDING COUNSEL SRI.P.RAMAKRISHNAN.
R2 TO R4 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ.
R,R1 BY ADV. SRI.K.S.MANU, SC, KMTWWFB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE FDO DATED 28.03.2001.
- EXT.P2 TRUE COPY OF THE REPRESENTATION DATED 4.12.2004
 ADDRESSED TO THE 1ST RESPONDENT.
- EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 4.12.2004
 ADDRESSED TO THE 2ND RESPONDENT.
- EXT.P4 TRUE COPY OF THE MEMORANDUM OF APPEAL DATED
 10.12.2010.
- EXT.P5 TRUE COPY OF THE ORDER OF 4TH RESPONDENT
 DATED 27.05.2005.
- EXT.P6 TRUE TRUE COPY OF THE APPLICATION DATED 12.02.2004
 SUBMITTED BY THE RESPONDENT FOR INSTALMENT FACILITY.
- EXT.P6(a) TRUE COPY OF THE ORDER OF THE GOVERNMENT DATED
 12.02.2004 GRANTING INSTALMENT FACILITY.

RESPONDENT'S EXHIBITS:-

NIL.

VKU/-

(TRUE COPY)

K. Vinod Chandran, J.

W.P(C) No.4575 of 2010-V

Dated this the 06th day of February, 2015

JUDGMENT

The petitioner claims to be the registered owner of the vehicle, which was sold to the 5th respondent. Admittedly the registration continued in the petitioner's name. There is absolutely nothing to evidence the sale of the said vehicle. The petitioner has also admittedly filed an appeal, Exhibit P4, before the Government, which was admitted and interim stay granted by Exhibit P5.

2. The learned counsel for the respondent-Board submits that the appeal itself was rejected for reason of delay. That has not been challenged herein.

3. The admitted fact is that, the petitioner is the registered owner of a vehicle bearing registration No.KRK 7017. Despite the fact that the petitioner avers that he sold the vehicle on 19.05.1998, nothing was produced before the assessing authority, appellate authority or before this Court to evidence the same. In such circumstance, the petitioner definitely will have to be assessed under the Kerala Motor Transport Workers' Welfare Fund Act, 1985

[for brevity "the Welfare Fund Act"]. The assessment order, produced at Exhibit P1, is hence upheld.

4. However, considering the fact that the writ petition was pending before this Court from 2010 onwards, it is directed that if the petitioner approaches the authorities concerned within a period of one month from the date of receipt of a copy of this judgment, seeking instalment facility, the said authority shall permit the petitioner to settle the amounts due under the Welfare Fund Act, with interest, in six equal monthly instalments.

The writ petition is disposed of with the above observations.

Sd/-
K.Vinod Chandran
Judge.

vku/-

(true copy)