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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936**

**WP(C).No. 1085 of 2015 (I)**
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**PETITIONER(S):**
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**SHIBUKUMAR K.C, AGED 44 YEARS,**
**KUNNEL HOUSE, THALAVADY P.O., ALAPPUZHA.**

**BY ADVS.SRI.T.P.PRADEEP**
**SRI.P.K.SATHEES KUMAR**

**RESPONDENT(S):**
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1. **REGIONAL TRANSPORT OFFICER**
   **ALAPPUZHA, 688007.**

2. **THE JOINT REGIONAL TRANSPORT OFFICER**
   **SUB REGIONAL TRANSPORT OFFICE, THIRUVALLA. 689 101.**

3. **THE SUB INSPECTOR**
   **PULIKKEEZHU POLICE STATION, PATHANAMTHITTA DISTRICT**
   **689645.**

**R BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 1085 of 2015 (I)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**
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**EXHIBIT-P1:TRUE COPY OF RELEVANT PAGES OF R.C.BOOK OF TIPPER LORRY BEARING REGISTRATION NO.KL-04-W-1926.**

**EXHIBIT-P2: TRUE COPY OF THE VEHICLE INSPECTION REPORT DATED 12.09.2014.**

**EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION DATED PREFERRED TO THE 2ND RESPONDENT.**

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

**P.S. TO JUDGE**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).NO.1085 OF 2015 (I)**

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**Dated this the 23rd day of January, 2015**

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

The prayer of the petitioner in the writ petition is limited to the grant of installment to discharge his liability to arrears of motor vehicle tax for the period from 30th June, 2013 onwards.

2. I have heard Sri.T.P.Pradeep, the learned counsel appearing for the petitioner as also Smt.Sobha Annamma Eappen, the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and also taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

> (i) The total amount due from the petitioner towards arrears of motor vehicle tax and other charges such as fees for the issuance of certificate of fitness etc. is stated to be Rs.48,220/-. It is also submitted by the learned Government Pleader that in addition to this, there would be other charges

applicable if it is found that the driver of the vehicle was not having driver's licence during the relevant time and also if there was a necessity of the vehicle being insured during the period. Accordingly, if the petitioner remits the total amount due to the respondents by way of motor vehicle tax and other charges in five equal and successive monthly installments commencing from 15.2.2015, then the recovery steps initiated against him by the respondents shall be kept in abeyance.

(ii) It is made clear that on the petitioner paying the second installment within the time granted by this Court, the possession of the vehicle shall be handed over to the petitioner.

(iii) If the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

**A.K.JAYASANKARAN NAMBIAR**
**JUDGE**

prp