

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 2054 of 2015 (F)

PETITIONER :

**JAYAPRAKASH.G,
S/O.NARAYANAN, GANAPATHIYIL, PAINKANNUR.P.O.,
KUTTIPPURAM (VIA), MALAPPURAM DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
MALAPPURAM -676 505**
- 2. JOINT REGIONAL TRANSPORT OFFICER,
TIRUR,MALAPPURAM DISTRICT -676 101**
- 3. N.K ASHARAF, S/O.UMMER,
NAMBANKUNNATH HOUSE, IRINGALLUR P.O.,
VENGARA, MALAPPURAM DISTRICT.**

**R1 BY ADV.SRI.P.M.HABEEB
R2 BY GOVERNMENT PLEADER SRI.R.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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K.VINOD CHANDRAN, J.

W.P.(C)No.2054 OF 2015

Dated this the 16th day of February, 2015

JUDGMENT

The grievance of the petitioner is with regard to the non acceptance of the Motor Vehicle Tax due to the first respondent and with regard to the refusal to issue of a Clearance Certificate under Section 8A of the Kerala Motor Transport Workers Welfare Fund Act, 1985. Petitioner is said to be the owner of the vehicle bearing Regn.No.KL-17C-8191. The petitioner's contention is that the petitioner has only assumed charge of the vehicle recently and hence the petitioner would not be liable for the arrears, which was created only by the earlier owner who was in control of the vehicle.

2. The Welfare Fund Act mandates that clearance certificate should be issued from the office of the first respondent, for acceptance of motor vehicle tax and also creates a charge on the vehicle. Hence, to pay tax, which alone would enable operation of the vehicle and to absolve the vehicle of the encumbrance, the

petitioner will have to satisfy the welfare fund liability. He could, if so advised, proceed against the original owner in appropriate proceedings.

3. In such circumstances, the petitioner shall appear before the first respondent and the first respondent shall issue a statement of the dues to the petitioner. The petitioner shall satisfy the same in three monthly instalments on the 10th of March, April and May, 2015 upon which the clearance certificate shall be issued to the petitioner.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE

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