IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 2465 of 2014 (G)

PETITIONER(S)/PETITIONER:

VINOD KUMAR
AMBADI KOVILAKAM, P O CHALAPPURAM, KOZHIKODE

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S)/RESPONDENTS:
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THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
(REGIONAL TRANSPORT OFFICER)KOZHIKODE, PIN-673020

R1 BY GOVERNMENT PLEADER SMT.LILLY.K.T.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2465 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE ROUTE CHALIYAM-CIVIL STATION-PROVIDENCE COLLEGE VALID UP TO 16/6/2010
P2:-TRUE COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF STAGE CARRIAGE KL-7/J/5711
P3:-TRUE COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE PETITIONER DTD 1/6/2010
P4:-TRUE COPY OF THE REPLACEMENT APPLICATION SUBMITTED BY THE PETITIONER DTD 1/6/2010
P5:-TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT TO THE PETITIONER SIGNED ON 6/12/2013
P6:-TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIOENR BEFORE THE RESPONDENT DTD 7/12/2013
P7:-TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC NO 30529/2013 DTD 18/12/2013
P8:-TRUE COPY OF THE LETTER OF THE RESPONDENT SIGNED ON 7/1/2014
P9:-TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIOENR IN RESPONSE TO EXT P 8 DTD 10/1/2014

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.2465 OF 2014 (G)

Dated this the 2nd day of September, 2015

J U D G M E N T

The petitioner was the registered owner of stage carriage bearing registration No.KL-07/J/5711. There was a regular permit issued in respect of the said vehicle on the route Chaliyam - Civil Station - Providence College. The said permit was valid up to 16.6.2010. Motor vehicle tax was paid at the stage carriage rate on the vehicle up to 30.8.2009. Thereafter, according to the petitioner, the vehicle itself was garaged and the fitness certificate in respect of the vehicle expired on 8.9.2009. By Ext.P3 application dated 1.6.2010, the petitioner applied for a renewal of the permit for a period of five years in terms of Section 81 of the Motor Vehicles Act. By a separate application (Ext.P4) preferred on the same date, the petitioner also sought for replacement of the vehicle with a new vehicle since the earlier vehicle was more than 15 years old. By Ext.P5 order dated 6.12.2013, the respondent took the stand that the application of the petitioner would be considered only if the petitioner remitted tax for the period from 1.4.2012 to 31.12.2013 at the stage carriage rate. On receipt of Ext.P5 order, the petitioner, by Ext.P6 reply, informed the respondent that the tax needed to be paid only at the non-transport vehicle rates since the old vehicle could not have been treated as a stage carriage after the period of 15 years, and after the expiry of the fitness certificate issued in respect of the said vehicle. When no action was forthcoming from the respondent, pursuant to Ext.P6 reply, the petitioner filed W.P.(C).No.30529/2013, which was disposed by Ext.P7 judgment directing the respondent to consider and pass orders on the reply of the petitioner. Thereafter, by Ext.P8 order dated 7.1.2014, the respondent directed the petitioner to withdraw the renewal application as well as the replacement application as, according to the respondent, the petitioner could not pay tax at non-transport vehicle rates when there was an application for renewal of permit for the said period. In the writ petition, the petitioner impugns Ext.P8 and seeks a direction to the respondent to consider Exts.P3 and P4 applications by accepting tax in respect of the outgoing vehicle at the non-transport vehicle rate.

By an interim order dated 21.1.2015, this Court permitted the petitioner to remit tax at the non-transport vehicle rates for the period from 1.4.2012 to 31.12.2013, and at stage carriage rates for the new vehicle for the future period. It is now submitted by counsel for the petitioner that, in compliance with the direction in the interim order dated 21.1.2015, the respondent has accepted the tax at non-transport vehicle rates for the period in question, and at stage carriage rates for the future period, and as such, there is no demand of tax against the petitioner. It is also submitted by counsel for the petitioner that the respondent has since considered the application submitted by the petitioner for renewal of the permit, as also for replacement of the vehicle, and allowed the same. Under the said circumstances, I find that nothing survives to be decided in the writ petition, and, therefore, the writ petition is closed, by making the interim order dated 21.1.2015 absolute.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp