

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 3136 of 2015 (N)

PETITIONERS:-:

- 1. ACHYUTH A. JOY,
S/O.JOY, PROPRIETOR, M/S.ATS LOGISTICS,
ARAKKATHARA HOUSE, NAMBIYAPURAM, PALLURUTHY
KOCHI - 682 006.**
- 2. SREEDEVI,
W/O.JOY, M/S.ATS LOGISTICS, ARAKKATHARA HOUSE,
NAMBIYAPURAM, PALLURUTHY, KOCHI - 682 006.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:-:

- 1. THE JOINT REGIONAL TRANSPORT OFFICER,
MATTANCHERRY - 682 002.**
- 2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS' WELFARE FUND BORD,
ERNAKULAM - 682 011.**
- 3. THE MANAGING DIRECTOR,
M/S.CHALLENGE TRASORTS INDIA (P) LTD., X/184,
THATTASSERIL BUILDING, KAKOOR P.O.
KOOTHATTUKULAM - 686 662.**
- 4. THE REGIONAL PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICER, BHAVISHYANIDHI BHAVAN, KALOOR,
KOCHI - 17.**

**R1 BY GOVERNMENT PLEADER SRI. SUDHEESH KUMAR
R4 BY DR.S.GOPAKUMARAN NAIR SENIOR ADVOCATE
BY ADV. SRI.A.RAJASIMHAN,SC,
R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 J/3252.
- EXHIBIT P2: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 F/3448.
- EXHIBIT P3: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 F/3445.
- EXHIBIT P4: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 K/5606.
- EXHIBIT P5: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 J/2773.
- EXHIBIT P6: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 F/3505.
- EXHIBIT P7: COPY OF THE RELEVANT PAGES OF THE RC BOOK IN RESPECT OF
VEHICLE NO.KL 17 G/510.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.3136 of 2015

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Dated this the 23rd day of February, 2015

J U D G M E N T

The first petitioner is the owner of goods carriage Nos. KL 17 J/3252, KL 17 F/3445, KL 17 K/5606 and KL 17 J/2773. These vehicles were purchased from the 3rd respondent and the transfer of ownership of the vehicles was endorsed in the registration certificates on 17.09.2014, 18.09.2014, 18.09.2014, 19.09.2014 and 23.09.2014 respectively. The 2nd petitioner is the owner of goods carriage Nos.KL 17 F/3505 and KL 17 G/510 and these vehicles were also purchased from the 3rd respondent and the transfer of ownership of these vehicles was endorsed in the registration certificates on 18.12.2014 and 22.12.2014 respectively. In the writ petition, the petitioners are aggrieved by the insistence of the 2nd respondent, that the petitioners should discharge the liability of the erstwhile owner of the vehicle under the Kerala Motor Transport Workers Welfare Fund Act, for the period prior to the date on which the ownership of the vehicle was endorsed in the names of the petitioners. According to the petitioners, the erstwhile owner of the vehicle was covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act and in that view of the matter, they were exempted

from making any payment under the Kerala Motor Transport Workers Welfare Fund Act.

2. I have heard Sri.O.D.Sivadas, the learned counsel for the petitioners and Sri.P.Ramakrishnan, the learned counsel for the 2nd respondent and Sri.A.Rajasimhan, the learned counsel for the 4th respondent. Learned counsel for the 4th respondent would submit, on instructions, that the erstwhile owner of the vehicle was in fact covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, and accordingly, having made the payments required under the said Act, was exempted from the requirement of paying dues under the Kerala Motor Transport Workers Welfare Fund Act. Taking note of the said submission of the 4th respondent, I dispose the writ petition with a direction to the 2nd respondent to grant the clearance certificates to the petitioners in respect of the goods carriage vehicles referred to above, so as to enable them to pay the dues under the Kerala Motor Transport Workers Welfare Fund Act, from the date on which the ownership was transferred to them, and also for the purposes of payment of motor vehicle tax dues in respect of the said vehicles.

The Writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

