

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 3704 of 2015 (K)

PETITIONER(S) :

**T.C.ARJUNAN, AGED 49 YEARS,
S/O.CHATHUKUTTY, P.O.ERAVIMANGALAM, NADATHARA,
DISTRICT TRICHUR.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN HARIHARAN
SMT.N.C.SALINI
SRI.C.RADHAKRISHNAN
SMT.V.S.SANGEETHA
SMT.SMITHA PRAVEEN**

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT OFFICER,
THRISSUR DISTRICT, PIN- 680 001.**
- 2. THE TRANSPORT COMMISSIONER,
(KERALA STATE GOVERNMENT) VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 014.**

BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
NO.KL-3C-6215.**
- P2: TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT.**
- P3: TRUE COPY OF THE COMMUNICATION DATED 07.01.2015 ISSUED BY
THE DEPUTY TRANSPORT COMMISSIONER (CENTRAL ZONE), THRISSUR.**
- P4: TRUE COPY OF THE GOVERNMENT ORDER NO. 91/2014 DATED 29.12.2014.**
- P5: TRUE COPY OF THE CIRCULAR NO.2/2015 DATED 05.01.2015 ISSUED BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.3704 OF 2015 ()

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner, who was faced with a demand of motor vehicle tax, pursuant to a finding by the respondents that the tax due from him was in a higher amount pursuant to an unauthorised change in the seating capacity of the vehicle, has preferred an appeal against the order confirming the higher tax demanded from him. In the meanwhile, the State Government came out with a One Time Settlement Scheme [OTS] as elaborated in Ext.P5 Circular dated 5.1.2015. It is the case of the petitioner that, during the pendency of the appeal, when he approached the respondents, for considering his case under the OTS Scheme brought out by the Government, he was informed that, in the light of the pendency of the appeal, his case cannot be considered under the OTS Scheme. It is under these circumstances that the present writ petition has been filed, seeking a direction to the 1st respondent to consider the claim of the petitioner for the benefit of the OTS scheme.

2. I have heard Sri.G.Hariharan, the learned counsel appearing for the petitioner as also Sri.Sudheesh Kumar, the learned

Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view that the pendency of the appeal preferred by the petitioner, need not be a bar to the respondents considering the claim of the petitioner for the benefit of an OTS Scheme. Accordingly, I direct the 1st respondent to consider the application, to be preferred by the petitioner for the benefit of the OTS Scheme, on merits. If the petitioner files an application within a period of two weeks from the date of receipt of a copy of this judgment, then the 1st respondent shall consider the same on merits, within a period of two weeks thereafter, after hearing the petitioner, and communicate his decision to the petitioner. I make it clear that nothing in this judgment shall prejudice any criminal proceedings, that have been initiated against the petitioner by the respondent authorities.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp