

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 8293 of 2012 (J)

PETITIONER(S):

N.M.MOHANDASAN AGED 47 YEARS
AGED 47 YEARS, S/O.MADHAVAN, NJATTUVETTY HOUSE
PAZHUVIL WEST, KURUMBILAVU VILLAGE, THRISSUR TALUK
THRISSUR DIST.

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY SECRETARY, MOTOR TRANSPORT DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
REPRESENTED BY ITS CHAIRMAN, MAIN OFFICE
KOLLAM - 691 001.
3. THE DISTRICT EXECUTIVE OFFICER
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
HIGH ROAD, NEAR PUTHENPALLI, THRISSUR - 680 601.
4. DISTRICT COLLECTOR
THRISSUR DISTRICT, AYYANTHOL, THRISSUR
5. THE TAHSILDAR
REVENUE RECOVERY, TALUK OFFICE, THRISSUR - 20.

RR4 BY ADV.GOVERNMENT PLEADER
R BY GOVERNMENT PLEADER
R BY SRI.K.S.MANU (PUNUKKONNOOR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P-1 TRUE COPY OF THE RELEVANT PAGES OF R.C BOOK OF VEHICLE BEARING
REG.NO.KL-8P/2502.

EXT.P-2 TRUE COPY OF STAGE CARRIAGE PERMIT DATED 23.08.2000.

EXT.P-3 TRUE COPY OF AGREEMENT OF SALE DATED 09.01.2002.

EXT.P-4 TRUE COPY OF DEMAND NOTICE DATED 15.3.2007 ISSUED BY THE DEPUTY
TAHSILDAR (RR)

EXT.P-5 TRUE COPY OF PROVISIONAL ASSESSMENT ORDER DATED 25.10.2002 ISSUED BY
THE 3RD RESPONDENT.

EXT.P-6A TRUE COPY OF THE INTERIM ORDER DATED 23.03.2007 PASSED BY THIS
HONOURABLE COURT IN WPC NO.10064 OF 2007.

EXT.P-7A TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT DATED 21.04.2007

EXT.P-8A TRUE COPY OF THE JUDGEMENT DATED 02.07.2007 PASSED BY THIS HONOURABLE
COURT IN WPC NO.10064 OF 2007.

EXT.P-9A TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT DATED 19.05.2008

EXT.P-10 A TRUE COPY OF THE REPRESENTATION DATED 3.02.2012 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS

EXHIBIT R2(A) : TRUE COPY OF THE ORDER DATED 12.6.2012

// TRUE COPY //

P.A. TO JUDGE.

Sou.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.8293 of 2012

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Dated this the 29th day of January, 2015

JUDGMENT

The petitioner has approached this Court alleging that the request made by him to respondents 2 and 3 to get refund of the balance amount on the basis of the final liability fixed on him did not invoke any positive response. The petitioner further alleges that respondents 2 and 3 were delaying the refund of the balance amount without assigning any valid reason.

2. On 19.6.2014, the learned counsel for respondents 2 and 3 submitted that as per the order dated 12.6.2012, a sum of ₹69,296/- has been paid to the petitioner. Now the respondents 2 and 3 filed a statement showing the exact amount regarding the payment.

3. As the principal amount has been paid, the only question is regarding the interest, if any, to be awarded on the principal amount of ₹69,296/-. Though it is submitted by the learned counsel for the

petitioner that there was willful laches on the part of the respondents in disbursing the amount, the learned standing counsel for the respondents submitted that the delay occurred was only because of administrative reasons. I see no reason to disbelieve the said submission.

Therefore, the writ petition is closed as the principal amount has already been disbursed to the petitioner.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj