

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

WP(C).No. 15412 of 2015 (B)

PETITIONER(S) :

**ANOOP, AGED 35 YEARS,
S/O.ALEX, NADUVILAVEETIL HOUSE, MARADU,
ERNAKULAM-682 304.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S) :

- 1. TRANSPORT COMMISSIONER,
MOTOR VEHICLE DEPARTMENT, TRANS TOWERS,
OPP.WOMEN'S COLLEGE, VAZHUTHACAUD, THIRUVANANTHAPURAM,
KERALA-695 014.**
- 2. ROAD TRANSPORT OFFICER,
ERNAKULAM, 2ND FLOOR, CIVIL STATION,
KAKKANADU, THRIKKAKKARA P.O., PIN-682 030.**
- 3. THE JOINT RTO,
THRIPUNITHURA, VYAPARI VYAVASAYI BUILDING,
VADAKKEKOTTA, THRIPPUNITHURA-682 301.**
- 4. THE DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KAKKANADU, THRIKKAKKARA P.O., PIN-682 030.**
- 5. P.P.PETER,
S/O.PETER, PULIPPARAMBIL, MARADU-682 304.**

R1 TO R4 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE COPY OF THE SALE AGREEMENT DATED ON 16/01/2001.**
- EXT.P2: THE TRUE COPY OF LETTER DATED ON 17/01/2001 INTIMATED TO 2ND RESPONDENT.**
- EXT.P3: THE TRUE COPY OF THE MEMO DATED ON 21/01/2015 ISSUED BY THE OFFICE OF THE 3RD RESPONDENT.**
- EXT.P4: THE TRUE COPY OF THE LETTER DATED 15/03/2015 SENT TO 2ND RESPONDENT.**
- EXT.P4(A): THE TRUE COPY OF THE ACKNOWLEDGMENT CARD FROM THE OFFICE OF THE 2ND RESPONDENT.**
- EXT.P5: THE TRUE COPY OF THE LETTER DATED 15/03/2015 SENT TO THE OFFICE OF THE 3RD RESPONDENT.**
- EXT.P6: THE TRUE COPY OF THE LETTER DATED 15/03/2015 SENT TO 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15412 of 2015

Dated this the 2nd day of June, 2015

J U D G M E N T

The petitioner has approached this Court seeking interference of this Court for transferring the ownership of an autorikshaw from his name.

2. The petitioner was the owner of KL-07-F-5916 of 1994 model Bajaj autorikshaw. He alleges that on 16.01.2011, he sold the said vehicle to the 5th respondent. The sale was duly intimated to the Transport Office on 17.01.2011, which is duly acknowledged by the officials as per Ext.P2. The petitioner alleges that the transferee failed to produce the required documents and he has assured the petitioner that everything would be complied with soon. Recently, in 2015, the petitioner received a memo from the office of the 3rd respondent directing him to pay the tax dues of ₹2,900/- in respect of the aforesaid vehicle. The petitioner further alleges that he was ready to pay the arrears and requested the office of the 3rd

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respondent to change the ownership in records. Though he submitted a written petition, the office of the 3rd respondent refused to do so; it is alleged. According to the petitioner, as a prudent transferor, he had done all the requirements at the time of transfer itself. The petitioner also preferred a letter to the 1st respondent seeking to change the ownership from his name or to seize the vehicle and report the non-use by the petitioner. The 1st respondent recently issued a circular No.2/2015 for One Time Settlement for the tax arrears and the persons like the petitioner need to pay only 20% of the alleged tax dues. The grievance of the petitioner is that no action is being taken to change the erroneous details in the official records of the office of the 3rd respondent.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader, on instructions, submitted that the respondents have not received the application.

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5. The learned counsel for the petitioner, per contra, inviting my attention to Ext.P4, submitted that proper application has been submitted. It was also submitted that he is ready to pay the amount due to the Government availing the facility of One Time Settlement.

Therefore, the writ petition is disposed of directing the 3rd respondent to consider and pass appropriate orders on Ext.P4 after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment. The facility of One Time Settlement also shall be provided to the petitioner.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition along with a copy of Ext.P4 before the 3rd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-