

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 16018 of 2015 (B)

PETITIONER:

**ABDUL RAZAK M.M.,
S/O.MUHAMMEDALI.M.B., AGED 33 YEARS,
MUTHUKAD PARAMBIL HOUSE,
KALLADIKKODE P.O., MANNARKKAD,
PALAKKAD DISTRICT-678596.**

**BY ADVS.SRI.P.M.GIRIJAVALLABHAN
SRI.V.H.NOUFALMON**

RESPONDENT(S):

- 1. THE SUB REGIONAL TRANSPORT OFFICER,
MANNARKKAD, PALAKKAD, PIN - 678582.**
- 2. CHIEF EXECUTIVE OFFICER,
MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALAKKAD - 678581.**

**R1 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
R2 BY SRI.K.S.MANU, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
NUMBER KL-50-1574.**

**EXHIBIT-P2: TRUE COPY OF THE VEHICLE CHECK REPORT ISSUED BY THE
FIRST RESPONDENT.**

**EXHIBIT-P3: TRUE COPY OF THE TAX TOKEN ISSUED BY THE FIRST RESPONDENT
DATED 1.1.2015.**

**EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXHIBIT-P5: TRUE COPY OF THE GOODS CARRIAGE PERMIT ISSUED BY THE
FIRST RESPONDENT DATED 19.1.2015.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16018 of 2015

Dated this the 3rd day of June, 2015

J U D G M E N T

Seeking positive direction against the 1st respondent to receive tax, providing facility to clear the dues to the 2nd respondent in instalments, the petitioner has come up before this Court.

2. The petitioner alleges that his vehicle bearing Reg.No.KL-50-1574 (tipper) has been lying idle since 31.03.2015 subsequent to the vehicle inspection carried out by the 1st respondent's office on 11.05.2015. The 1st respondent detected and commented in the vehicle check report that there is no evidence for remittance of tax. Since no convenient place for garaging the vehicle, the vehicle was released to the registered owner and directed to keep the vehicle until the pending tax is cleared off. The petitioner further alleges that when he approached the 1st respondent to clear off the arrear tax amount, the

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1st respondent was reluctant to receive the tax amount alleging that welfare fund deficiency is noted and the petitioner was asked to get clearance from the welfare fund authorities at Palakkad. The petitioner approached the welfare fund authorities and it was revealed that an amount of ₹40,000/- is due and the same has to be cleared at once. According to the petitioner, the vehicle was purchased in 2006 and he was paying road tax and the respondents never demanded clearance from welfare fund authorities during those periods and he has no other means to raise a huge amount for clearing the pending tax dues and the welfare fund at once. It is in this context, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 2nd respondent.

4. The learned Standing Counsel for the 2nd respondent, on instructions, submitted that more than ₹40,000/- is due from the 1st respondent towards fund

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contribution. It was further submitted that the petitioner be directed to remit the fund contribution so as to make himself entitled to keep the vehicle fit for plying.

5. The learned counsel for the petitioner would submit that the financial condition of the petitioner is not good and therefore, he prayed for instalment facility.

Considering the nature of the submission and the nature of prayers, the writ petition is disposed of permitting the petitioner to clear off the contribution towards the fund in eight equal monthly instalments commencing from 24.06.2015. In the event of remitting the first instalment as above, the petitioner shall be permitted to remit the tax arrears. In the event of failure to remit the subsequent arrears, it shall be open to the respondents to take appropriate action against the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-