IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 18528 of 2015 (M)

PETITIONER(S):

V.BHASKARAN, S/O.E.NARAYANAN NAIR,
KOLOT HOUSE, KOLATHUR P.O.,
KASARAGODE DISTRICT.

BY ADV. SRI.PRASAD CHANDRAN

RESPONDENT(S):
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1. **THE REGIONAL TRANSPORT OFFICER,**
   (TAXATION OFFICER), REGIONAL TRANSPORT OFFICE,
   KASARGOD, PIN-671 121.

2. **THE DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
   KASARGOD, PIN-671 121.

R1 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R2 BY ADV. SRI.NAVEEN. T, SC, KMTWWFB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 18528 of 2015 (M)
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APPENDIX

PETITIONER(S)' EXHIBITS

EXCT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE REGISTERING AUTHORITY VEHICLE BEARING REG.NO. KL-11-P/5598

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms**v/**

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 18528 of 2015

Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner is a transferee of Stage Carriage bearing Registration No.KL-11/P-5598. The vehicle has been transferred to the petitioner on 02.08.2013. The respondents are refusing to accept contribution in the Welfare Fund in respect of vehicle stating the reason that, the petitioner needs to produce proof of the entire payment. Hence, he has approached this Court.

2. According to the learned standing counsel, the total dues as on date is ₹80,850/- from February 2009. Petitioner submits that, he is not liable to pay the amount due before 02.08.2013.

3. Learned counsel for the Board relies on the judgment in **Ummar V. Joint Regional Transport Officer (2014 (4) KLT 358)** holding that, the welfare fund due is a charge over the vehicle.

4. In the light of the above circumstances, the following directions are issued:

(i) Petitioner is permitted to discharge the Welfare Fund dues in six monthly instalments.

(ii) Each instalment has to be paid on or before payment of quarterly tax due. The quarterly tax due shall need to be accepted only if petitioner produces proof of Welfare fund instalment due before the payment of tax.

With the above directions, this writ petition is disposed of. However, the petitioner is at liberty to recover the portion of the Welfare fund due paid by him from the previous owner, in accordance with law.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn