

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 20378 of 2015 (V)

PETITIONER(S) :

**BADUVAN KUNHI, AGED 50 YEARS,
S/O. ABDULLA KUNHI, C.N.N.COMPLEX, UPPER BAZAR,
BADIADKA, NIRCHAL, KASARAGOD DISTRICT.**

**BY SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON**

RESPONDENT(S) :

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KANNUR-2.**
- 2. SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KASARAGOD.**
- 3. REGIONAL TRANSPORT OFFICER,
KASARGOD.**

*** ADDITIONAL R4 IMPEADED**

- 4. THE DISTRICT EXECUTIVE OFFICER,
THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, KASARAGOD.**

*** ADDITIONAL R4 IS SUO MOTU IS IMPEADED AS PER JUDGMENT
DATED 07.07.2015.**

**R1 & ADDL.R4 BY ADV. SRI.NAVEEN.T, S.C
R2 & R3 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE CERTIFICATE FOR REGISTRATION ISSUED BY
THE 3RD RESPONDENT TO THE PETITIONER DATED 23.09.2014 IN
RESPECT OF VEHICLE BEARING REGISTRATRION
NO.KL-13-K-5229.**

**EXHIBIT P2: TRUE COPY OF THE CERTIFICATE ISSUED BY
THE 1ST RESPONDENT TO FIROZ T., DATED 06.11.2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20378 of 2015

Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner has approached this Court alleging that the 1st respondent is refusing to accept contribution towards the Kerala Motor Transport Workers Welfare Fund.

2. The petitioner is the registered owner of a stage carriage bearing Reg.No.KL-13-K-5229, which was purchased from one Firoz T., in September, 2014. He got registration certificate of the said vehicle with effect from 20.09.2014. As per Exts.P1 & P2, the motor vehicle tax up to 30.09.2014 and the contribution towards the Kerala Motor Transport Workers Welfare Fund were paid by the earlier owner. Based on Ext.P2, the petitioner paid motor vehicle tax from 01.10.2014 to 31.12.2014. The validity of the permit of vehicle is up to 15.12.2016 and the petitioner has to pay motor vehicle tax from 01.01.2015 onwards. According to the petitioner, for remitting the tax, the petitioner has to clear the contribution towards the Kerala

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Motor Transport Workers Welfare Fund and he is liable to pay the contribution from October, 2014 onwards. The petitioner alleges that when he approached the 1st respondent to remit contribution, the 1st respondent refused to accept the same without assigning any reason. The petitioner has to obtain a certificate from the 1st respondent showing that there are no dues from the petitioner in respect of his vehicle towards the Kerala Motor Transport Workers Welfare Fund. According to the petitioner, only after obtaining the certificate from the 1st respondent, he can remit the motor vehicle tax. However, after persisting the 3rd respondent, the 3rd respondent accepted the motor vehicles tax for respondents 1 & 2. The petitioner had to remit the third quarter on 01.07.2015. His grievance is that without remitting the motor vehicle tax, he cannot ply the vehicle. Hence, this writ petition.

3. I have heard the learned counsel for the petitioner, the learned Standing Counsel for the 1st respondent and the learned Government Pleader.

4. The learned Standing Counsel for the 1st

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respondent would submit that before granting the relief as sought for, first of all, the petitioner has to get the vehicle registered before the District Executive Officer, the Kerala Motor Transport Workers Welfare Fund Board, Kasaragod.

5. As the said authority is not in the party array, to facilitate a just and speedy disposal, the District Executive Officer, the Kerala Motor Transport Workers Welfare Fund Board, Kasaragod, is suo moto impleaded as the additional 4th respondent.

The writ petition is disposed of as follows;

- The petitioner is directed to produce the original of Ext.P2 before the additional 4th respondent within a period of two weeks;
- In the event of the petitioner producing the original of Ext.P2, the additional 4th respondent shall receive contribution of the petitioner towards the Kerala Motor Transport Workers Welfare Fund from 01.10.2014 till date.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-