

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 20740 of 2015 (N)

PETITIONER :

**ASHOK.P.T., AGED 49 YEARS,
S/O THANKAPPAN, PULLIKAPARAMBIL HOUSE,
KALAVATH ROAD, PALARIVATTOM, KOCHI-682025.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS :

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
S.R.M. ROAD, ERNAKULAM-682018.**
- 2. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, KOTTAYAM-686001.**
- 3. REGIONAL TRANSPORT OFFICER
REGIONAL TRANSPORT OFFICE, KAKKANAD, ERNAKULAM-682030.**
- 4. SRI. JEFY FELIX
PROPRIETOR, ANISHA TRAVELS, KUMARAKOM P.O.
KOTTAYAM-686563.**

**R1 BY SRI.P.RAMAKRISHNAN, SC,
R2 BY ADV. SRI.JOY THATTIL ITOOP, SC,
R3 BY GOVERNMENT PLEADER SMT. SHOBA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGISTRATION PARTICULARS OF VEHICLE
NO.KL-34B-878 AFTER EFFECTING TRANSFER OF OWNERSHIP IN THE
NAME OF THE PETITIONER.**

**EXHIBIT P2: TRUE COPY OF THE STATEMENT ISSUED BY THE 2ND RESPONDENT
RELATING TO THE 4TH RESPONDENT SERVICE.**

**EXHIBIT P3: TRUE COPY OF THE ONE SUCH INTERIM ORDER DATED 12.9.2014
MADE IN WPC NO.23834/2014.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 20740 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

The petitioner is a registered owner of KL-43-B-8778. This vehicle was originally owned by the 4th respondent.

2. The 4th respondent was a contributor under the Provident Fund Scheme. He has paid contribution under the EPF Scheme for the employees working with respect to the vehicle. This is also affirmed by the learned standing counsel for the respondent Organisation.

3. After the transfer of the vehicle, the 3rd respondent refused to accept the tax for the reason that the petitioner failed to produce proof regarding payment of contribution to Kerala Motor Transport Workers Welfare Fund Board from 01.04.2015.

4. In view of the fact that, the 4th respondent has remitted contribution under EPF Act, this Court is of the view that from the quarter 01.04.2015 onwards, Motor Vehicle Tax shall be accepted without insisting for production of proof of Welfare Fund relating to Bus No.KL-43-B-8778 for the period prior to 01.04.2015. It is made clear that the petitioner is liable to produce proof regarding

any period after 01.04.2015 for remittance for future Motor Tax arrears. Apart from the prayer relating to the acceptance of the Motor Tax in respect of the vehicle No.KL-43-B-8778, petitioner also sought a prayer to accept contribution towards Kerala Motor Transport Workers Welfare Fund in respect of vehicle bearing No. KL 58-171 from the month of October, 2014. It is open for the petitioner to make a request before the Welfare authority. If any such request is made, it shall be considered in accordance with law.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.

Pn