

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 25047 of 2012 (E)

PETITIONER(S) :

**NIXON K.V., AGED 39 YEARS, S/O.VARKEY,
HOUSE NO.6/1044 A, KIZHUPILLY HOUSE, NGO QUARTERS,
THRIKKAKARA P.O., ERNAKULAM DISTRICT,
PROPRIETOR NIXON'S DRIVING SCHOOL, M.S.NO.E 31/92,
NGO QUARTERS, THRIKKAKARA P.O., KOCHI - 21.**

**BY ADVS. SRI.T.MADHU
SRI.P.R.SHIBU**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MOTOR VEHICLES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM, KAKKANAD P.O.,
ERNAKULAM DISTRICT - 682 030.**
- 4. THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
REPRESENTED BY ITS DISTRICT EXECUTIVE OFFICER,
SRM ROAD, ERNAKULAM - 682 018.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R4 BY ADV. SRI.PRAMAKRISHNAN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 25047 of 2012 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION IN
RESPECT OF THE VEHICLE BEARING REGISTRATION
NO.KL-07-Q-9702.**

**EXHIBIT P2: THE TRUE COPY OF THE CERTIFICATE OF INSURANCE IN RESPECT
OF THE VEHICLE BEARING REGISTRATION NO.KL-07-Q-9702.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J.

W.P.(C) No.25047 of 2012

Dated this the 13th day of February, 2015

JUDGMENT

The petitioner, who is conducting a motor driving school, challenges the coverage under the Motor Transport Workers Welfare Fund Act, 1985. The issue is covered in favour of the petitioner in the decision of a Division Bench of this Court in **Rajesh T.G. V. Joint RTO** (2009 (2) KHC 661(DB)). Hence the declaration sought for, that the petitioner's driving school would not be a motor transport undertaking as provided under the Kerala Motor Transport Workers Welfare Fund Act, 1985, is granted.

The writ petition stands allowed.

Sd/-

**K.VINOD CHANDRAN,
JUDGE.**

rkc.