

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 23805 of 2015 (A)

PETITIONER :

**MUHAMMED
S/O.KUNHIMOIDEEN,
KARUMPIL MIKACHA HOUSE, VENNIYUR
TIRURANGADI TALUK, MALAPPURAM DISTRICT,
PIN - 676 508.**

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

RESPONDENTS :

- 1. JOINT REGIONAL TRANSPORT OFFICER
THIRURANGADI - 676 306, MALAPPURAM DISTRICT.**
- 2. DISTRICT EXECUTIVE OFFICER
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
MALAPPURAM - 676 505.**
- 3. MR.ABDUL RAHOOF
S/O.MOOSA, VELUTHAMATTIL, THENNALA
THIRURANGADI TALUK, MALAPPURAM DISTRICT - 676 306.**
- 4. MR.KOYA
S/O.MOHAMMED, KUNNATHEDATH HOUSE, VENNIYUR
TIRUR, MALAPPURAM DISTRICT - 676 508.**

**R1 BY GOVT. PLEADER SMT. SHOBA ANNAMMA EAPEN
R2 BY SRI.P.M.HABEEB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 23805 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF THE STAGE CARRIAGE PERMIT OF BUS
NO.KL-55F-113.**
- EXHIBIT P2. TRUE COPY OF THE REGISTRATION CERTIFICATE OF BUS
NO.KL-55F-113 AS IT STOOD IN THE NAME OF THE 3RD RESPONDENT.**
- EXHIBIT P3. TRUE COPY OF THE REGISTRATION CERTIFICATE OF BUS
NO.KL-55F-113 AFTER EFFECTING TRANSFER OF OWNERSHIP IN THE
NAME OF THE PETITIONER.**
- EXHIBIT P4. TRUE COPY OF THE ONE SUCH INTERIM ORDER DATED 12.09.2014
MADE IN W.P.(C)NO.23834/2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23805 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner is a registered owner of Bus No.KL-55 F-113. He purchased the above vehicle from the third respondent. The petitioner has approached this Court seeking a direction to the first respondent to accept the contribution towards the Kerala Motor Transport Workers Welfare Fund with effect from the date of transfer of ownership and to accept the motor tax due from 1.6.2015.

2. The learned standing counsel for the second respondent submits that the petitioner is liable to pay the entire arrears under the welfare fund due and the dues are charged over the vehicle.

3. The petitioner claims that he has purchased the vehicle only on 04.02.2015. If that be so, the petitioner is liable to pay entire arrears as a condition to accept motor tax and the remedy of the petitioner is to claim any payment effected under the welfare

fund due prior to 04.02.2015 to recover from the third respondent. The above remedy is a private remedy and cannot be agitated in this writ petition. Therefore, with liberty as above, on payment of entire arrears, the tax in respect of the vehicle, shall be accepted by the first respondent.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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