

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25147 of 2015 (P)

PETITIONER :

**BAIJU, AGED 43 YEARS,
S/O. BALARAMAN, UNNOOR HOUSE,
ERANHIKKAL P.O., KOZHIKODE.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS :

- 1. THE REGIONAL TRANSPORT OFFICER,
KOZHIKODE-673001.**
- 2. THE DEPUTY TAHSILDAR (R.R.)
KOZHIKODE-673001.**
- 3. THE VILLAGE OFFICER,
ELATHUR, KOZHIKODE-673001.**

BY SENIOR GOVERNMENT PLEADER SMT. SHOBA ANNAMMA EAPPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE RELEVANT PAGES OF THE RC BOOK.
- EXHIBIT P2: COPY OF THE REGISTRATION PARTICULARS ISSUED BY THE REGISTERING AUTHORITY.
- EXHIBIT P3: COPY OF THE PROCEEDINGS ISSUED BY THE REGISTERING AUTHORITY.
- EXHIBIT P4: COPY OF THE DEMAND NOTICE DATED 5-4-2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P5: COPY OF THE OBJECTION DATED 19-4-2013 SUBMITTED BY THE PETITIONER.
- EXHIBIT P6: COPY OF THE NOTICE OF DEMAND ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 25147 of 2015

Dated this the 20th day of August, 2015

JUDGMENT

The petitioner challenging demand of motor tax arrears has approached this Court.

2. The petitioner's case is that though, he purchased an educational institution bus bearing Registration No.KL 01 C/7727, he has not converted the same and therefore, the demand is illegal.

3. The learned Government Pleader submits that the the Registering Authority issued a communication thereby sanction was accorded for alteration of the vehicle as private service vehicle in the year 2009. It is further submitted that a penal action was initiated against the petitioner for altering the vehicle without permission of the Authority for carrying generators.

4. The petitioner has raised his objection by Ext.P5 before the 1st respondent-The Regional Transport Officer. I am of the view that the 1st respondent shall take a decision on Ext.P5 after hearing the petitioner. It is also open for the petitioner to make a request before the 1st respondent for settlement of liability under One Time Settlement Scheme.

Therefore, an appropriate decision shall be taken within one month. Till the decision is taken, Ext.P6 shall be deferred. Further demand would be depend upon the decision of the 1st respondent.

The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr