

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937**

**WP(C).No. 25443 of 2015 (E)**  
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**PETITIONER(S):**  
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**RIYASUDHEEN,  
S/O. JALEEL, 9/224 PARAKUNNAM, PALAKKAD.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENT(S):**  
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**THE DISTRICT EXECUTIVE OFFICER,  
THE MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,  
PALAKKAD - 678 541.**

**BY SRI.K.S.MANU, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**WP(C).No. 25443 of 2015 (E)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1- TRUE COPY OF THE RECEIPT DATED 11/08/2015 ISSUED BY THE  
RESPONDENT.**

**EXHIBIT-P2- TRUE COPY OF THE PROCEEDINGS DATED 02/07/2015.**

**EXHIBIT-P3- TRUE COPY OF THE REQUEST DATED 11/08/2015 SUBMITTED BY THE  
PETITIONER.**

**EXHIBIT-P4- TRUE COPY OF THE JUDGMENT IN W.P(C) 14405/2014**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.V.RAMAKRISHNA PILLAI, J**

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WPC No.25443 of 2015  
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Dated this the 19<sup>th</sup> day of August, 2015

**JUDGMENT**

The petitioner is seeking a direction to the respondent Board to issue clearance certificate.

2. According to the petitioner, as per the Kerala Motor Transport Workers Welfare Fund Scheme, the arrears of welfare fund contribution would be charged over the old vehicle. The scheme does not provide for enforcement of the charge over the replaced vehicle. Therefore, there is no justification on the part of the respondent in denying clearance certificate. The petitioner was the owner of stage carriage bearing Reg.No.KL-40/C/1947 which does not have any dues towards the first respondent Board. According to the petitioner, there is no justification for denying issue of clearance certificate as sought by the petitioner. The reason stated for denying clearance certificate is not sustainable in law. The petitioner points out that the

reason stated by the respondent is against the scheme itself. It is with this background, the petitioner has approached this Court.

3. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent Board.

Considering the nature of submission, there shall be a direction to the respondent to consider Ext.P3 application in the light of Ext.P4, after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

**sd/- A.V.RAMAKRISHNA PILLAI  
JUDGE**

CSS/

**true copy**

**P.S.TO JUDGE**