

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C) .No. 26445 of 2014 (E)

PETITIONER(S) :

ACHYUTH A. JOY
ARAKKATHARA HOUSE, NAMBIAMPURAM ROAD,
PALLURUTHY,
KOCHI - 682 006

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.SIDDHARTH KRISHNAN

RESPONDENT(S) :

1. THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM,
KAKKANAD, KOCHI - 682 030
2. THE DEPUTY TAHSILDAR (R.R) ,
KOCHI - 682 001
3. SIVAKUMAR A. ,
107 KOTTOOR ROAD, POLLACHI, TAMIL NADU - 649 001

BY GOVERNMENT PLEADER SRI.R.RENJITH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 : TRUE COPY OF THE REGISTRATION DETAILS PUBLISHED IN THE WEBSITE OF MOTOR VEHICLES DEPARTMENT, KERALA.

EXHIBIT P2 : TRUE COPY OF THE SALE AGREEMENT DATED 04.03.2010.

EXHIBIT P3 : TRUE COPY OF THE REVENUE RECOVERY NOTICE NO.A2-168/2014 DATED 21.01.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION FLED BY THE PETITIONER TO THE FIRST RESPONDENT THROUGH THE JOINT R.T.O MATTANCHERRY DATED 24.09.2014.

EXHIBIT P5 : TRUE COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER, PALLURUTHY VILLAGE DATED 23/10/2014.

EXHIBIT P6 : TRUE COPY OF THE APPLICATION FOR ONE TIME SETTLEMENT SUBMITTED BY THE PETITIONER TO THE JOINT R.T.O. MATTANCHERRY DATED 10/03/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.26445 of 2014

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner, who is faced with revenue recovery steps initiated against him for recovery of motor vehicle tax dues seeks an instalment facility to discharge the liability due to the respondents. It is the stand of the petitioner in the writ petition that the petitioner had alienated his vehicle to the 3rd respondent, and therefore, the liability for motor vehicle tax dues is essentially that of the 3rd respondent, although the petitioner continues to be the registered owner on the files before the motor vehicle authorities. It is his prayer in the writ petition that, even if he is called upon to discharge the liability due to the official respondents, his right to proceed against the 3rd respondent for recovery of the dues should be reserved.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Government Pleader for the official respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ

petition with the following directions:-

(i) The total amount outstanding from the petitioner to the official respondents by way of motor vehicle tax dues is Rs.1,94,814/- together with interest and other charges. Accordingly, if the petitioner pays the said amount of Rs.1,94,814/- in six equal and successive monthly instalments commencing from 15.10.2015, the recovery steps initiated against the petitioner by the respondents shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

(iii) I make it clear that, nothing in this judgment shall stand in the way of the petitioner proceeding against the 3rd respondent, in accordance with law, for recovery of the amounts by way of motor vehicle tax paid by the petitioner on behalf of the 3rd respondent.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

