

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 30582 of 2013 (W)

PETITIONER:

**M.V.THOMAS,
MEENKOLIL HOUSE, THAMARACHAL,
KIZHAKKAMBALAM.P.O.**

BY ADV. SRI.PRAVEEN.H.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT OFFICER
(TAXATION OFFICER),
OFFICE OF THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, KAKKANAD, KOCHI-31.**
- 2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS'
WELFARE FUND BOARD, SRM ROAD,
ERNAKULAM-682 018.**
- 3. M/S.PPK SONS,
REPRESENTED BY ITS MANAGING PARTNER,
GEORGE.P.K, AGED 61 YEARS, PEECHAKARA HOUSE,
KOTHAMANGALAM, ERNAKULAM DISTRICT, PIN-686 691.**

**R1 BY GOVERNMENT PLEADER SMT.SUNITHA VINOD
R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 30582 of 2013 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- COPY OF THE REGISTRATION CERTIFICATE DATED 3.9.2013.**
- P2- COPY OF INTERIM ORDER DATED 10.08.2012 IN W.P[C]NO.18980/2012 OF THE HONOURABLE HIGH COURT OF KERALA.**
- P3- COPY OF INTERIM ORDER DATED 17.08.2012 IN W.P[C] NO.18980/2012 OF THE HONOURABLE HIGH COURT OF KERALA.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 30582 of 2013

Dated this the 10th day of February, 2015

J U D G M E N T

In this writ petition, the petitioner is seeking a direction to the 1st respondent to accept motor vehicle tax for his vehicle without insisting for clearance from the Motor Transport Workers' Welfare Fund.

2. The petitioner purchased a Stage Carriage bearing Reg.No.KL 44-8889 on 02.09.2013 from a motor transport establishment covered under the provisions of the Employees Provident Funds and Miscellaneous Provisions Act. The petitioner's grievance is that the 2nd respondent is not accepting welfare fund contribution from the petitioner for the period he has become the registered owner. The petitioner points out that the previous owner was exempted from making payment under the Motor Transport Workers' Welfare Fund Act as evidenced by Exts.P2 and P3. It is with this background, the petitioner has come up before this Court.

3. This Court, by interim order dated 13.12.2013,

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directed the 1st respondent to accept motor vehicle tax for the petitioner's vehicle without insisting on a clearance from the Kerala Motor Transport Workers Welfare Fund Board. It was further directed that the tax should be accepted for the current quarter. It was made clear that the petitioner should pay the dues to the 2nd respondent from the date of transfer of the vehicle.

4. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that on the basis of the interim order, tax has been remitted.

5. As there is convincing evidence that the petitioner's establishment is covered under the Employees Provident Funds and Miscellaneous Provisions Act, this Court is of the view that the interim order already passed has to be made absolute.

Therefore, the writ petition is disposed of making the interim order dated 13.12.2013 absolute.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-