

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).NO. 28188 OF 2015 (W)

PETITIONER(S) :

K.P.NOUSHAD
S/O.T.ERAMULLAN, RESIDING AT KP HOUSE
KARUMENI PEEDIKAYIL, POTTAMKADAVU PO, AZHIKOD
KANNUR DIST.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S) :

1. THE REGIONAL TRANSPORT OFFICER
REGIONAL TRANSPORT AUTHORITY, KANNUR DIST. 670001

2. THE SUB REGIONAL TRANSPORT OFFICER
CIVIL STATION, THALASSERY 670101

3. THE SPECIAL DEPUTY TAHSILDAR
REVENUE RECOVERY, KANNUR 670001

4. THE VILLAGE OFFICER
AZHIKODE SOUTH VILLAGE, KANNUR 670009

5. BASHEER N
S/O.MUHAMMED, RESIDING AT NONDATH HOUSE
PARANGI MUCHIKKAL, KOTTAKKAL, TIRUR TALUK
PONMALA AMSOM DESOM 676528

BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 28188 OF 2015 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE CLEARANCE CERTIFICATE ISSUED BY THE 2ND RESPONDENT

P2:TRUE COPY OF THE AGREEMENT DT. 21.08.2010 EXECUTED IN BETWEEN THE
PETITIONER AND 5TH RESPONDENT

P3:TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT DEMAND
IN AN AMOUNT OF RS.35,590/- TOGETHER WITH INTEREST

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28188 OF 2015

Dated this the 23rd day of September, 2015

J U D G M E N T

The petitioner, who is aggrieved by the revenue recovery steps initiated against him for recovery of defaulted tax arrears under the Kerala Motor Vehicle Taxation Act, seeks an instalment facility to discharge the liability due to the respondents.

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 due from the petitioner towards tax arrears as evident from Ext.P3 notice is Rs.33,590/- together with interest at the rate of 12% with effect from 03.12.2014 together with 5% collection charges and DNF of Rs.100/-. Accordingly, if the petitioner pays the aforesaid amount of Rs.33,590/- together with interest at

the rate of 12% with effect from 03.12.2014 together with 5% collection charges and DNF of Rs.100/- 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns