IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 32473 of 2015 (H)

PETITIONER :

MANIKANDAN, S/O. KRISHNAN, AGED 42 YEARS,
PAZHANKANDATHIL HOUSE, VATTAMKULAM,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):
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1. THE REGIONAL TRANSPORT OFFICER,
   KOZHIKKODE, KOZHIKKODE DISTRICT-673 635.

2. THE REGIONAL TRANSPORT OFFICER,
   MALAPPURAM, MALAPPURAM DISTRICT-679 576.

BY GOVERNMENT PLEADER SRI.RANJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 32473 of 2015 (H)
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APPENDIX

PETITIONER(S)' EXHIBITS

P1 : **COPY OF SALE CERTIFICATE ISSUED BY KADOOR SALES CORPORATION DTD. 12.12.2014.**

P2 : **COPY OF BILL DTD. 11.12.2014 ISSUESD KADOOR SALEWS CORPORATION TO THE PETITIONER.**

P3 : **COPY OF TEMPORARY CERTIFICATE OF REGISTRATION DTD. 12.12.2014 ISSUED BY THE FIRST RESPONDENT.**

P4 : **COPY OF THE INSURANCE POLICY DTD. 11.12.2014 ISSUED BY THE NATIONAL INSURANCE COMPANY LIMITED, KOZHIKODE BRANCH.**

P5 : **COPY OF THE APPLICATION DTD. 10.9.2015 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**
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/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 32473 of 2015

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Dated this the 16th day of November, 2015

JUDGMENT

The petitioner, who had purchased a JCB earth moving equipment vehicle, and obtained a temporary registration of the vehicle, which is valid from 12.12.2014 to 12.01.2015, seeks the grant of installments for paying the tax dues in respect of the vehicle. The learned Government Pleader, on instructions, would submit that, there is no provision for grant of installment in payment of tax in respect of a new vehicle and hence, this Court ought not to entertain the present writ petition, which seeks twelve monthly installments for paying the road tax in respect of the vehicle.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find force in the contention of the learned Government Pleader that there is no provision to grant installment for payment of current dues of road tax. Taking into account the plea of financial hardship urged on behalf of the petitioner, however, I direct that if the petitioner pays the tax due in respect of the vehicle in two equal successive monthly installments commencing from 30.11.2015, then the tax liability of the petitioner in respect of the vehicle shall be treated as discharged. I make it clear that if the petitioner defaults in any single installment, then he will lose the benefit of this judgment and the respondent will be free to initiate recovery proceedings against him for recovery of the tax amounts.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /16.11.15