

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).NO. 33457 OF 2014 (F)

PETITIONER(S):

PADMAVATHY AMMA, AGED 56
W/O.VASUDHEVAN NAIR, THEKKENADU HOUSE
P.O.THIRUVANIYOR, CHEMMAMCHERY, QUILANDY
KOZHIKODE.

BY ADVS.SRI.JIJI THOMAS
SMT.SMITHA MATHEW
SRI.P.R.ASHOK KUMAR

RESPONDENT(S):

1. THE TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONERATE, TRANS TOWERS, VAZHUTHAKKAD
THIRUVANANTHAPURAM. 695 001.

2. THE JOINT REGIONAL TRANSPORT OFFICER
SUB REGIONAL TRANSPORT OFFICE (TAXATION), QUILANDY
KOZHIKODE. 673 001.

BY GOVERNMENT PLEADER SMT.SHYSON P.MANGUSHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 33457 OF 2014 (F)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- A TRUE COPY OF THE SAID CLEARANCE CERTIFICATE ISSUED BY THE
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE DATED 23.9.06.

P2- A TRUE COPY OF THE MEMO ISSUED BY THE RESPONDENT DATED 25.6.09.

P3- A TRUE COPY OF THE REQUEST SUBMITTED BEFORE THE RESPONDENT DATED
7.7.09 BY THE PETITIONER.

P4- A TYPED COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA
IN W.P[C]NO.24705/09 DATED 16.9.09.

P4(A)- A TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT DATED
11.12.2009.

P5- A TYPED COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA
IN W.P[C]NO.2130/2010.

P6- A TRUE COPY OF THE ORDER OF THE APPEAL NO.C/401/2010/NZ DATED
12/04/2010

P6(A)- A COPY OF THE REVISION PETITION WITHOUT ANNEXURE DATED
14.07.2014 FILED BEFORE THE 1ST RESPONDENT

P7- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 1ST
RESPONDENT BY THE PETITIONER.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.33457 of 2014

.....
Dated this the 6th day of February, 2015

JUDGMENT

The petitioner, who is the owner of a tempo traveller bearing registration No.KL 7/C 3792, is aggrieved by the revenue recovery notice issued against him in connection with non-payment of motor vehicle tax. It is pointed out that, pursuant to the revenue recovery steps initiated, the respondents have also taken possession of the vehicle. It is further stated that against Ext.P6 order of the 2nd respondent, Ext.P6(a) revision has been filed before the 1st respondent, and the same is pending consideration before the said authority. In the writ petition, the petitioner is essentially aggrieved by the recovery steps that have been initiated at a time when the 1st respondent is yet to pass orders in the revision petition preferred by the petitioner.

2. I have heard Sri.Jiji Thomas Pambackal, the learned counsel for the petitioner and Smt.Sobha Annamma Eappen, the learned Government Pleader for the respondents.

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

writ petition with the following directions:

- i. The 1st respondent shall consider and pass orders on Ext.P6(a) revision petition filed by the petitioner against Ext.P6 order of the Deputy Transport Commissioner. The 1st respondent shall pass orders within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.
- ii. The revenue recovery steps initiated against the petitioner, for realisation of the motor vehicle tax dues, shall be kept in abeyance till such time as the 1st respondent passes orders as directed above and communicates the same to the petitioner.
- iii. If the petitioner pays an amount of Rs.20,000/- to the 2nd respondent, within a period of two weeks from today, the 2nd respondent shall hand over possession of the tempo traveller vehicle bearing registration No.KL 7/C 3792, to the petitioner.

The writ petition is disposed of as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

