

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).NO. 33750 OF 2015 (P)

PETITIONER(S):

SASIKALA SUBRAMANIAN
W/O. SUBRAMANIAN, XXXI/168A, PUTHENMADATHIL
SAHAKARANA ROAD, POWER HOUSE JUNCTION, VYTTILA
KOCHI-19.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
SRI.H.PRAVEEN (KOTTARAKARA)

RESPONDENT(S):

1. REGIONAL TRANSPORT OFFICER, ERNAKULAM
KAKKANAD, ERNAKULAM-682 030.

*ADDL.2ND RESPONDENT IMPEADED:

ADDL.R2. THE JOINT REGIONAL TRANSPORT OFFICER,
ANGAMALI, ERNAKULAM DISTRICT-683 572

(ADDL.R2 IS IMPEADED AS PER ORDER IN I.A.NO.16323 OF 2015 DATED
11.11.2015)

BY GOVERNMENT PLEADER SMT.LILLY K.T

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

WP(C).NO. 33750 OF 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF REGISTRATION CERTIFICATE DTD.6.10.2007.

P2 : COPY OF THE COMPLAINT DTD.6.2.2013 FILED BY THE PETITIONER
BEFORE THE PANANGAD POLICE STATION.

P3 : COPY OF THE COMMON ORDER IN CC NO.1590/2013 DTD.23.11.2013 OF
THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, ERNAKULAM.

P4 : COPY OF THE MEMO ISSUED BY THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, ERNAKULAM, DTD.3.12.2013.

P5 : COPY OF THE CLEARANCE CERTIFICATE ISSUED BY THE RTO, ERNAKULAM,
DTD.17.12.2012.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.33750 of 2015

.....
Dated this the 11th day of November, 2015

J U D G M E N T

The petitioner, who is stated to be the registered owner of a Toyota Innova Car bearing Registration No.KL 7 BG 4499, is aggrieved by the stand taken by the respondent in refusing to accept motor vehicle tax in respect of the said vehicle without which the petitioner cannot use the vehicle. The averments in the writ petition would disclose that the petitioner had given the vehicle on rent to one Sarasan, who appears to have forged the documents in relation to the vehicle and effected a transfer of the vehicle to one Shaiju, who in turn sold the vehicle to one Francy Mendez. The petitioner filed a criminal complaint before the police authorities which matter was subsequently referred to the Additional Chief Judicial Magistrate Court, Ernakulam. In the said C.C.No.1590 of 2013, Ext.P3 interim order was passed whereby the possession of the vehicle, which by then had been seized by the police authorities, was handed over to the petitioner after finding that there was merit in the claim of the petitioner that the ownership of the vehicle continued to be with the petitioner. In Ext.P3 order, the Magistrate Court finds that Francy Mendez could trace his title over the vehicle only through Sarasan and, insofar as

it was found prima facie that Sarasan had obtained title over the vehicle by committing forgery, the balance of convenience lay in handing over possession of the vehicle to the petitioner. It is therefore, that the petitioner now has possession of the vehicle. Taking note of the above facts, I find that, the interests of justice would be met if a direction is now given to the additional 2nd respondent, in whose jurisdiction the transfer of the vehicle from Sarasan to Shaiju had taken place, to accept the motor vehicle tax in respect of the vehicle in the possession of the petitioner and issue a receipt in token of having received the same to the petitioner, and I do so. Taking note of the submission of the learned Government Pleader, on instructions, that the original registration certificate in respect of the vehicle, along with the clearance certificate, had been forwarded to the Joint RTO, North Parur, there will be a direction to the additional 2nd respondent to cancel the said clearance certificate issued by him in respect of the said vehicle, and recall the original registration certificate to his office. The 2nd respondent shall comply with the aforesaid directions within a period of two weeks from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

