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. 33868 of 2015 (G)

PETITIONER :

VENU K.NAIR,
VAISHNAVAM, KODUMON POST, ADOOR,
PATHANAMTHITTA.

BY ADV. SRI.STALIN PETER DAVIS

RESPONDENT(S):
----

1. THE REGIONAL TRANSPORT OFFICER,
(TAXATION OFFICER), PATHANAMTHITTA-68 645

2. AJESH THANKACHAN, AJESH VILLA,
SOORANADU.P.O., KOLLAM-691 530

R1 BY GOVERNMENT PLEADER SMT. LILLY.K.T.

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

sts

WP(C).NO.33868/2015

APPENDIX

PETITIONER'S EXHIBITS:

P1 COPY OF THE LETTER DATED 10/1/14 BY THE 1ST RESPONDENT TO THE DISTRICT COLLECTOR REGARDING REVENUE RECOVERY STEPS TAKEN AGAINST THE 2ND RESPONDENT IN RESPECT OF VEHICLE KL-5/N 9108.

P2 COPY OF THE JUDGMENT IN WP(C).NO.5949/15 DATED 25/2/15

P3 COPY OF THE CERTIFICATE GIVEN BY THE 1ST RESPONDENT DATED 11/11/2015

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

\- -

W.P.(C) No.33868 of 2015

\- -

Dated this the 16th day of November 2015

JUDGMENT

The petitioner, who is currently in possession of a vehicle bearing Registration No.KL-05-N-9108, is aggrieved by the demand of motor vehicle tax, pertaining to period from 01.04.2008 to 31.12.2008 and 01.04.2009 to 30.04.2009, that has been made on him in an amount of Rs.1,49,595/-. It is the contention of counsel for the petitioner that the petitioner had purchased the vehicle from one Ajesh Thankachan, and the period for which the tax amount is now sought in respect of the vehicle, pertains to the period when the said Sri. Ajesh Thankachan was having ownership and possession of the vehicle. It is stated that for the period from 01.05.2009 to 30.06.2015, the tax liability in respect of the vehicle has been discharged by the petitioner and he relies on Ext.P3 certificate issued by the Regional Transport Officer, Pathanamthitta to substantiate this fact. In the writ petition, the limited prayer of the petitioner is to enable him to discharge the liability of Rs.1,49,595/-, shown in Ext.P1 communication, in easy instalments.

2. I have heard the learned counsel for the petitioner as also

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 and taking into account the plea of financial hardship raised by the petitioner, I direct that if the petitioner pays the amount of Rs.1,49,595/- together with accrued interest as shown in Ext.P1 communication, in six equal and successive monthly installments commencing from 30.11.2015, then proceedings for recovery of tax against petitioner shall be kept in abeyance.

4. It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against the petitioner or the vehicle for realisation of the arrears in motor vehicle tax. I make it clear that the payment of the arrears by the petitioner will not stand in the way of the petitioner proceeding against the 2nd respondent for realisation of the tax amounts paid by him, allegedly on behalf of the 2nd respondent, in accordance with law.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/