

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 35173 of 2015 (V)

PETITIONER(S):

- 1. JOHNY, SON OF OUSEPH, AGED 50 YEARS,
RESIDING AT MURIYAD, THRISSUR DISTRICT.**
- 2. JISSA, AGED 45 YEARS, W/O.JOHNY,
RESIDING AT PULLOKKARAN HOUSE, MURIYAD,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**
- 3. SIMON, AGED 48 YEARS, SON OF OUSEPH,
PULLOKKARAN HOUSE, MURIYAD.P.O.,
IRINJALAKKUDA, THRISSUR DISTRICT.**
- 4. VARGHESE, S/O.OUSEPH,
PULLOKKARAN HOUSE, MURIYAD.P.O.,
IRINJALAKKUDA, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE JOINT REGIONAL TRANSPORT OFFICER,
IRINJALAKKUDA, PIN-680 121.**
- 2. INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION BUREAU,
THRISSUR-680 001.**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-02P-3020.
- P2- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-26-103.
- P3- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-18B-7930.
- P4- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-01K-6156.
- P5- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-09E-6559.
- P6- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-03G-7885.
- P7- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-01AE-2562.
- P8- TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE NO.KL-05E-9219.
- P9- TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT EVIDENCING SEIZURE OF REGISTRATION CERTIFICATE OF VEHICLES MENTIONED IN EXT.P1 TO P3 FROM THE 1ST AND 2ND PETITIONERS ON 19.02.2013.
- P10- TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT EVIDENCING SEIZURE OF REGISTRATION CERTIFICATES OF VEHICLES MENTIONED IN EXT.P4 TO P7 FROM THE 3RD PETITIONER ON 19.02.2013.
- P11- TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT EVIDENCING SEIZURE OF REGISTRATION CERTIFICATE OF VEHICLES MENTIONED IN EXT.P8 FROM THE 4TH PETITIONER ON 19.02.2013.
- P12- TRUE COPY OF THE REPRESENTATION DATED 15.09.2015 SUBMITTED BY THE 1ST AND 2ND PETITIONERS BEFORE THE 2ND RESPONDENT WITH COPY MARKED TO THE 1ST RESPONDENT.
- P13- TRUE COPY OF THE REPRESENTATION DATED 15.09.2015 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY MARKED TO THE 1ST RESPONDENT.
- P14- TRUE COPY OF THE REPRESENTATION DATED 15.09.2015 SUBMITTED BY THE 4TH PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY MARKED TO THE 1ST RESPONDENT.
- P15- TRUE COPY OF THE JUDGMENT PASSED BY A DIVISION BENCH OF THIS HON'BLE COURT IN WA NO.1506/2012 DATED 05.11.2012.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.35173 OF 2015 (V)

Dated this the 4th day of December, 2015

J U D G M E N T

The petitioners, who are registered owners of various light motor passenger vehicles that are registered under the jurisdiction of the 1st respondent, are aggrieved by the action of the respondents in not returning the original of the registration certificates in respect of the vehicles owned by them citing the pendency of a vigilance case involving the said vehicles. In the writ petition, the petitioners point out that, on account of the stand taken by the respondents, they are not in a position to pay motor vehicle tax in respect of the vehicles for the current quarter, since the taxation authorities refuse to accept the motor vehicle tax in the absence of the registration certificates of the vehicles.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader for the respondents.

The learned Government Pleader, on instructions, would submit

that the original of the registration certificates in respect of the vehicles cannot be returned to the petitioners at this stage, since the vigilance case involving the said vehicles is currently ongoing. It is submitted however, that if the petitioners put in a request before the respondents for the issuance of a certificate acknowledging that the registration certificates are with the respondents in connection with the vigilance case, then such a certificate can be issued by the 2nd respondent, and on production of the said certificate, together with the tax amounts before the taxation authority, the taxation authority will accept the tax under the Motor Vehicles Taxation Act from the petitioners. Taking note of the said submission of the learned Government Pleader, on instructions, I dispose the writ petition with a direction to the 2nd respondent to issue certificates to the petitioners stating that the original of the registration certificates, in respect of the vehicles owned by the petitioners, if taken from the petitioners, are required to be kept in the custody of the 2nd respondent in connection with the vigilance case that is ongoing. On receipt of the said certificate from the 2nd respondent, the petitioners shall present the same along with the requisite tax amount under the Kerala Motor Vehicles Taxation Act, before the 1st respondent, and the 1st

respondent shall accept the tax amounts from the petitioners based on the certificate issued by the 2nd respondent.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/4/12/15