

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 26TH DAY OF MARCH 2013/5TH CHAITHRA 1935

WP(C) .No. 29976 of 2012 (V)

PETITIONER(S) :

U.NAZAR, AGED 46 YEARS
ASMA MANZIL, PERUMKULAM, ATTINGAL
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM (RURAL) AT ATTINGAL.
2. THE DISTRICT EXECUTIVE OFFICER,
THE MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
THIRUVANANTHAPURAM - 695001.
3. K.RAIJU,
VAYALIL PUTHEN VEEDU, 12, MAYYANAD
KOLLAM - 691001.

R2 BY ADV. SRI.D.SAJEEV BABU, SC, KMTWWFB
R1 BY GOVERNMENT PLEADER SMT.LISHA M.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-03-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 29976 of 2012 (V)

APPENDIX

PETITIONER' (S) EXHIBITS:

EXT.P1 COPY OF THE RELEVANT PORTION OF THE RC BOOK OF VEHICLE
NO.KL 10 V/9709.

EXT.P2 COPY OF THE RELEVANT PORTION OF THE RC BOOK OF VEHICLE
NO.KL 10 V/9709.

EXT.P3 COPY OF THE RECEIPT DATED 13.05.2009.

RESPONDENT' (S) EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

BKA

V.CHITAMBARESH,J.

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W.P.(C) No. 29976 of 2012

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Dated this the 26th day of March, 2013

J U D G M E N T

The petitioner contends that the transfer of the vehicle in his favour was entered in the certificate of registration only on 25-2-2012. The petitioner therefore contends that he can at best be made liable to pay contribution to the Motor Transport Workers Welfare Board from that date onwards.

2 The second respondent shall issue notice to the petitioner, his transferor- the third respondent and all the earlier registered owners of the vehicle. The liability in respect of the vehicle bearing Reg.No. KL-10 /V 9709 shall be determined with notice to all the owners (past and present) within a period of two months.

3. The second respondent is at liberty to proceed against the persons found liable to pay amount under the Motor Transport Workers Welfare Fund Act. The vehicle could be proceeded against in case it is found that it is not easy to realise the amount due from the earlier owners of the vehicle.

4. The petitioner shall be issued a clearance certificate on determination of the liability by the second respondent and its discharge by anyone of the owners of the vehicle. The petitioner shall be provisionally permitted to ply the vehicle for a period of two months on his depositing the motor vehicles tax and other statutory dues in the meanwhile.

5. The second respondent is free to accept the amount tendered by the petitioner for the liability towards the Motor Transport Workers Welfare Fund from 25-2-2012.

The writ petition is disposed of.

**V.CHITAMBARESH.
JUDGE**

smm

