**(2012) 06 KL CK 0042**

**In the High Court Of Kerala**

**Case No :** WP (C) . No. 13086 of 2012 (I)

Rajeev APPELLANT

Vs

Joint Regional Transport Officer Guruvayoor, Thrissur District, Pin 680001, District Executive Officer Kerala Motor Transport Workers Welfare Fund Thrissur 680001 and Sasi RESPONDENT

**Date of Decision :** 22-06-2012

**Acts Referred:**

**Citation :** (2012) 06 KL CK 0042

**Hon'ble Judges :** K. Surendra Mohan, J

**Bench :** Single Bench

**Advocate :** G. Hariharan, Sri. Praveen H. and Smt. Smitha praveen, for the Appellant; K.S. Manu, SC Government Pleader Smt. Anitha Ravindran Advocate, for the Respondent

## Judgement

K. Surendra Mohan, J.—The petitioner is the owner of a 2000 model Cargo Tipper Lorry bearing Registration No.KL-3E-9216. He purchased the vehicle from the 3rd respondent on 11.02.2007. The vehicle was covered by a goods carriage permit valid up to 08.09.2009. The vehicle was transferred without obtaining a Clearance Certificate from the 1st respondent for effecting the transfer. When the petitioner approached the 1st respondent for being issued with a No Objection Certificate for the purpose of paying the motor vehicle tax due on the vehicle, the 2nd respondent refused to issue such a certificate. The petitioner therefore seeks the issue of appropriate directions for the grant of a No Objection Certificate to him so as to enable him to pay the tax. A statement has been filed on behalf of the 2nd respondent. In Para 3 of the statement, it is submitted by the 2nd respondent that an amount of Rs.28,800/- (Rupees Twenty Eight Thousand Eight Hundred only) with interest is due from the owner of the vehicle bearing Registration No. KL-3E-9216 towards the arrears of Motor Transport Workers Welfare Fund Contribution. A No Objection Certificate had not been issued for the reason that the petitioner did not clear the arrears.

 

2. Counsel for the petitioner seeks permission to pay the amount demanded in 10 instalments. The counsel for the 2nd respondent opposes the plea.Having considered the rival contentions of the parties, I am of the opinion that the petitioner can be afforded a chance to pay the defaulted amount in instalments. This writ petition is therefore disposed of with the following directions.

1. The petitioner is permitted to pay the amount of Rs.28,800/- (Rupees Twenty Eight Thousand Eight Hundred only) to the 2nd respondent, with interest in 5 equal monthly instalments, the 1st instalment to be paid on or before the 15th of July 2012. The subsequent instalments shall be paid on or before the 15th of each succeeding month thereafter. In the event of the petitioner committing default in payment of any of the instalments, he shall forfeit the benefit of this judgment.

2. On production of proof of payment of the 1st instalment as stipulated above, the 1st respondent shall permit the petitioner to pay the motor vehicle tax in respect of his vehicle for the current quarter.

 