
(2012) 06 KL CK 0257

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 33471 of 2011 (H)

Sharafudheen. C.T.

APPELLANT

Vs

Government of Kerala and Additional Registering Authority

RESPONDENT

Date of Decision : 04-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0257

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : Babu Joseph Kuruvathazha, for the Appellant; Padmalayan, Government Pleader, for the Respondent

Judgement

Justice K. Surendra Mohan

1. The petitioner is the owner of a Jaguar Car bearing Engine No. 0536107306 DT and Chassis No. SALLSAAF 3BA293730 which he has imported as per Ext. P1. He has remitted the entire tax under the Kerala Value Added Tax Act evidenced by Ext. P2. The car is also covered by a valid policy of insurance. The petitioner has filed this writ petition aggrieved by the rejection of his application for permanent registration as per Ext. 6 order for the reason that the validity of Ext. P5 temporary registration has expired. The petitioner's representation Ext. P7 has not succeeded in evoking any positive response from the respondents. The petitioner has therefore filed this writ petition seeking appropriate orders for the registration of his vehicle. The counsel for the petitioner places his reliance on a Division Bench decision of this court in Muhammed V. Joint R.T.O. 2012 (2) KLT 78. In the said case also, a similar situation had arisen. This court has considered whether a valid temporary registration was necessary as a precondition for granting permanent registration to the vehicle. This court has after considering the entire issue, held as follows.

19. We have already discussed why a temporary registration certificate is required. As a matter of fact, in none of the Provisions of the Act, for securing a

permanent registration certificate, requirement of having valid temporary registration certificate is provided. It would only lead to conclusion that there is no requirement of having a valid temporary registration for the purpose of getting a permanent registration certificate. In that view of the matter, the temporary registration certificate is issued only to accommodate the purchaser of a vehicle to transport the vehicle from place to place, if the place of purchase is different from the place of registration of the vehicle. Before registering authority having jurisdiction over the area, the production of temporary registration certificate itself would be enough for registration of a vehicle. Therefore, in the case of registration of vehicle for permanent certificate, there is no need to have a "valid" temporary registration.

2. In view of the above authoritative pronouncement, the petitioner is entitled to succeed. The learned Govt. Pleader also accepts the above legal position.

This writ petition is accordingly allowed. The 2nd respondent is directed to register the petitioner's motor car covered by Exts. P1, P2 & P5, on receipt of the requisite fee prescribed for the said purpose and on the petitioner fulfilling the other conditions if any required to be fulfilled.