
Dated: **29-11-2022**

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thycaud P.O, Thiruvananthapuram - 695 014

e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

From

Transport Commissioner
Thiruvananthapuram

To

All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub:- Motor Vehicles Department - Interim order in WP(C) No 37690/2022 filed by M/s Lorry Owners Federation Committee and another before Hon'ble High Court of Kerala - Forwarding for compliance - Reg

Ref:- 1.Order dated 25.11.2022 in WP(C) 37690/2022 of the Honorable High Court of Kerala
2.Letter No Q4-WP(C) 37690/2022/2022090366 dated 26/11/2022 from the office of Advocate General of Kerala.

Copy of interim order in WP(C) No 37690/2022 filed by M/s Lorry Owners Federation by which the court directed to "accept the renewal of the certificate of registration and fitness certificate with out insisting for additional fees and enhanced fees with an undertaking from the applicants to pay the additional fee and enhanced fee in case the decision rendered by the Supreme Court is against them" is forwarded herewith for your strict compliance. **The order is applicable to all the applicants.**

Your's faithfully

K MANOJKUMAR
SR. DEPUTY TRANSPORT COMMISSIONER (TAX)

Copy to 1) Nodal Officer SSG Cell to customise "Parivahan" application to render services by accepting fee at pre enhanced rate

2) Senior Superintendent SSG Section for uploading the direction and judgement in Department website

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

Friday, the 25th day of November 2022 / 4th Agrahayana, 1944
WP(C) NO. 37690 OF 2022(I)

PETITIONERS:

1. LORRY OWNERS FEDERATION COMMITTEE 7/204/02, ALMANA MAJILIS, JANAMYTHRI LANE, FIR FORCE ROAD, KAKKAD, KUNNAMKULAM, THRISSUR-680503 REPRESENTED BY ITS SECRETARY, SHAJU ETTAMTHARAYIL KABEER, AGED 41 YEARS, S/O KABEER ETTAMTHARAYIL, CHAMMANUR, PUNNAYURKULAM, THRISSUR, KERALA – 679561
2. MUHAMMEDALI AGED 43 YEARS, S/O MOIDEEN THUNDIYILPUTTANKUNNU, ELOKKARA, ENGAPUZZHA, PUTHUPPADI, KOZHIKODE, KERALA, PIN - 673586

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY (TRANSPORT), SECRETARIAT, PALAYAM.P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001
2. UNION OF INDIA MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN, NEW DELHI, REPRESENTED BY THE SECRETARY, PIN - 110001
3. THE SECRETARY MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN, NEW DELHI, PIN - 110001
4. THE SECRETARY DEPARTMENT OF TRANSPORT, GOVERNMENT OF KERALA, SECRETARIAT, PALAYAM.P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001
5. THE TRANSPORT COMMISSIONER OFFICE OF THE TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS. VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014
6. THE JOINT REGIONAL TRANSPORT OFFICER SUB REGIONAL TRANSPORT OFFICE, KODUVALLY , KOZHIKODE DISTRICT, PIN - 673572

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

1. stay the direction in Exhibit P2 to collect additional fee of Rs.300/- per month for two wheelers and Rs.500/- for other class of non-transport vehicles for delay for renewal of registration and additional fee of Rs.50/- per day of delay in renewal of certificate of fitness after expiry of certificate of fitness levied a per Rule 81 of the Central Motor Vehicle (23rd amendment) Rules 2021, pending disposal of the Writ Petition (Civil).

2.direct to the respondents not to blacklist the vehicle in VAHAN application, pending disposal of the Writ Petition (Civil).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.JOMY K. JOSE Advocate for the petitioners, GOVERNMENT PLEADER for R1 and 4 to 6 and of DSG OF INDIA for R2 and R3, the court passed the following:

ORDER

Admit.

The Government Pleader takes notice for respondents 1 and 4 to 6.
The DSGI takes notice for respondents 2 and 3.

There will be an interim order directing the RT0 to accept the renewal of the certificate of registration and fitness certificate without insisting for additional fees and enhanced fees with an undertaking from the applicants to pay the additional fee and enhanced fee in case the decision rendered by the Supreme Court is against them.

Sd/- P.V.KUNHIKRISHNAN JUDGE



APPENDIX OF WP(C) 37690/2022

Exhibit P2

**TRUE COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT TO
THE REGIONAL TRANSPORT OFFICERS DATED 22.03.2022**