

No.C1/6210/TC/2001

Head Office,  
Motor Vehicles Department,  
Thiruvananthapuram, dated  
4.5.2002.

From

The Transport Commissioner,  
Thiruvananthapuram.

To

All Deputy Transport Commissioners/  
Regional Transport Officers/  
Joint Regional Transport Officers.

Sir,

Sub:- Motor Vehicles - Higher Gross Vehicle Weight  
ordered by Honourable High Court - Reversal of  
Tax Endt. - Reg.

Ref:- 1. This office direction vide No.C1/6210/TC/01  
dated 23.4.02.  
2. Judgement in OP No.20648/01 G by the  
Honourable High Court of Kerala 15.3.2002.

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The Honourable High Court of Kerala vide Judgement in OP No.20648/01(G) has declared that a Certificate of Registration is effective only if the same is issued in accordance with the provisions of Motor Vehicles Act and Rules. Therefore, the Registration Certificate not in accordance with the provisions of the Motor Vehicles Act and Rules, to the extent of such inconsistent endorsement shall not bind to other State Motor Vehicle Authorities. All that section 46 says is that a registration certificate issued in accordance with the provisions of the Act and Rules only shall be binding on any other State Authorities, and any violation to that extent in the registration Certificate will not bind the other State Authorities, and it will be open to them to take action. In other words the excess gross vehicle weight endorsed in the registration Certificate book issued by the Motor Vehicles Authorities of other states like Nagaland, will not bind Motor Vehicles Authorities in Kerala. So far as the same is not consistent with rule 95(2) of Central Motor Vehicles Rule and therefore appropriate action can be taken by the Motor Vehicles Authorities in Kerala.

In para '9 of the Judgement, the Honourable High Court has directed thus. "The petitioners have been operating their vehicles with higher load after obtaining endorsement in the registration Certificate book pursuant to interim orders of this Court. Counsel for the petitioners have stated that taxes have been paid for the full first Quarter of 2002 and they prayed that in view

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of the payment of tax upto 31st March, 2002 they may be permitted to operate the vehicles with higher load. Having regard to the fact that there is only less than two weeks left out and the Petitioners have paid tax in advance, there will be direction to the respondents to permit the operators to operate their vehicles for transporting the load endorsed in the R.C. book pursuant to the interim orders of this Court in all cases where tax is paid upto 31st March 2002".

On the basis of the above quoted orders of the Court, directions have already been issued from this Office on 23.4.2002 vide reference No.C1.6210/TC/01.

All the Regional Transport Officers and Joint Regional Transport Officers are directed to report compliance of the directions of the Honourable High Court regarding the reversal of tax endorsement made in pursuance of the interim orders of the Court in the R.Cs of such vehicles to the normal rate with effect from 1.4.2002. It is hereby clarified that the reversal the endorsements should also be made in the Certificate of Registration of vehicles in respect of which tax has already been paid for the quarter commencing on 1.4.2002. In order to ensure the reversal of endorsements in the Certificate of Registration of such vehicles, Officers shall verify the Registration Certificates and other relevant records and take action by conducting intensive checking.

Yours faithfully,

  
for Transport Commissioner,  
Thiruvananthapuram.

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