

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 6442 of 2015 (E)

PETITIONER:

**MUHAMMED HANEEFA, S/O.ALAVI,
EDAVATH HOUSE, P.O.PANG,
VIA.KOLATHUR, MALAPPURAM,
REPRESENTED BY THE POWER OF ATTORNEY,
P.HARIS BABU, S/O.KAMZA, PARAMMAL HOUSE,
PADAPARAMBA, P.O.VATTALUR, MALAPPURAM.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN- 676 505.**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 6442 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1- PHOTOCOPY OF THE JUDGMENT IN WPC NO.27291/2013
 DATED 07/11/2013.**
- EXT P2- PHOTOCOPY OF THE ENDORSEMENT NO.10/173661/2013
 DATED 21/11/2013.**
- EXT P3- PHOTOCOPY OF THE REQUEST DATED 20/10/2014 SUBMITTED BY THE
 PETITIONER BEFORE THE RESPONDENT.**
- EXT P4- PHOTOCOPY OF THE RENEWED HIRE AGREEMENT SUBMITTED
 ALONG WITH EXHIBIT P3.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No.6442 of 2015

Dated this the 05th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the condition imposed in Ext.P2 for production of own vehicle within one year from the issuance of permit. The petitioner, admittedly is a person, who has procured a vehicle on the basis of a lease agreement and operated the same in a regular permit in the route Cherpulassery-Murivazhikkal. The operation of a vehicle on the basis of a lease agreement, is an accepted practice and this Court has also held that a person can validly possess a vehicle on the basis of such an agreement; as early as in **Raveendran v. RTO Kannur (1995(1) KLT 126)**. Hence there is no stipulation that the registered owner of a vehicle should himself operate a vehicle on the regular permit issued. The Division Bench also found that there

is no stipulation in the Motor Vehicles Act, 1988, that a permit holder can operate only a vehicle owned and registered in his name, in the permit.

2. The prayer in the writ petition is to consider Ext.P3, for grant of further time to produce the vehicle. Though there is no provision, which obliges the regular permit holder to operate with a vehicle, of which the permit holder himself is the registered owner; since the petitioner only seeks further time, it is only proper that time be granted. It is also to be noticed that the lease agreement, by which the petitioner has obtained possession is also produced at Ext.P4.

3. The learned Government Pleader on instruction, submits that Ext.P3 will be placed in the next RTA meeting. The RTA definitely shall consider the same on the basis of the binding precedent noticed above. In the meanwhile the petitioner would definitely be entitled

WPC.No.6442/2015

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to operate on the regular permit with the vehicle now taken on lease.

Writ petition stands allowed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge