

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 7338 of 2015 (N)

PETITIONER(S):

**K. SASEENDRAN,
ALANGODE HOUSE, RAVANESHWAR P.O.,
PALLIKKARA, KANHANGAD,
KASARAGOD DISTRICT.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KASARAGOD - 671 121.**

BY GOVT. PLEADER SRI.R. RANJITH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S
STAGE CARRIAGE.
- EXT.P2: TRUE COPY OF THE RELEVANT PORTION OF THE RC BOOK OF
STAGE CARRIAGE NO. KL 14/D 6098.
- EXT.P3: TRUE COPY OF THE RELEVANT PORTION OF THE RC BOOK OF
STAGE CARRIAGE NO. KL 60 H/8688.
- EXT.P4: TRUE COPY OF THE APPLICATION FOR REPLACEMENT
SUBMITTED BY THE PETITIONER WITH CHELAN.
- EXT.P5: TRUE COPY OF THE JUDGMENT DATED 18/02/2014 IN
WP(C).NO. 4711/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J.

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W.P.(C)No.7338 of 2015

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Dated this the 12th day of March, 2015.

JUDGMENT

The petitioner is aggrieved by the non-consideration of Ext.P4 application for replacement. The brief facts are that; the petitioner is a regular permit holder, as is evidenced by Ext.P1. The petitioner was operating a stage carriage bearing registration No.KL-14/D 6098 on the route Periya-Panathur-Kanhangad. The said vehicle is a 2003 model vehicle and he intends to replace it with a 2015 model vehicle having registration No.KL-60/H 8688. The petitioner has the legal possession of a vehicle, having obtained the same on lease, from the registered owner of the vehicle. The refusal of the respondent to consider Ext.P4, is for the reason that, the lease agreement has not been endorsed in the Registration Certificate. The issue is covered by the decision reported in *Rajan v. Regional Transport Authority [2014 (1) KLT 387]* wherein it is held that, the person, who obtains

possession of a vehicle, under a lease agreement, is also entitled to operate the said vehicle in a permit issued to that person, despite the fact that, the permit holder is not the registered owner of the vehicle. The provision for endorsing the Registration Certificate with hypothecation was also held to be not mandatory. Following the aforesaid decision, the Secretary, RTA is directed to consider Ext.P4, in accordance with the dictum laid down in the said decision.

Writ petition disposed of. No costs.

K. Vinod Chandran, Judge.

sl.