

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 12100 of 2015 (J)

PETITIONER:

**RAJEEV T.S., AGED 39 YEARS,
S/O. SIVASANKARAN NAIR, THURUTHIPPALLIL (H), PULIYANNUR,
MEVADA PO, PALA, KOTTAYAM - 686 573.**

**BY ADVS. SRI. K.S. HARIHARAPUTHRAN
SRI. M.D. SASIKUMARAN
SRI. GEORGE MATHEW
SRI. SUNIL KUMAR A.G
SRI. DIPU JAMES**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
MOTOR VEHICLES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, PALA - 686 575.**
- 3. ASSISTANT MOTOR VEHICLES INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, PALA - 686 575.**

BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 12100 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF REGISTRATION CERTIFICATE DATED 16.01.2014 OF VEHICLE
BEARING REG. NO.KL 35-E-8903.**

EXT.P2: TRUE COPY OF VEHICLE CHECK REPORT DATED 07.01.2015.

RESPONDENT(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF JUDGMENT IN W.A.1621/13.

//TRUE COPY//

P.A. TO JUDGE

WW

SHAJI P. CHALY, J.

W.P.(C). No.12100 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

This writ petition is filed by the petitioner challenging the inaction of the respondent authority for consideration of the alteration sought for by the petitioner and particularly Ext.P2 issued by the authority concerned directing the petitioner to remove the tipping mechanism and then produce the vehicle for inspection. The issue with regard to the attachment of this tipper mechanism to a proto type of vehicle was considered by a Division Bench of this Court in W.A. No.1621 of 2013, produced as Annexure-A along with the statement filed by the learned Government Pleader.

2. Heard the counsel for the petitioner and the learned Government Pleader for the respondents. Perused the records and the pleadings put forth by the rival parties. I am of the considered opinion that a proto type vehicle, as provided under Section 126(3) of the Central Motor Vehicles Rules, 1989 cannot be fitted with any tipper mechanism without a proto type test

being carried out to the same. Since the subject matter is covered by Annexure-A Division Bench Judgment in W.A. No.1621 of 2013 dated 14.08.2014, petitioner is not entitled to get any relief.

The writ petition stands dismissed.

Sd/-
SHAJI P. CHALY
JUDGE

smv