

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

WP(C).No. 12695 of 2015 (J)

PETITIONER:

NAZER P., S/O.KOYA P.,
PULIKKAL HOUSE, THRIKKANAPURAM, THAVANNUR
PONNANI, MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT:

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

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12695 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 - PHOTOCOPY OF THE REPLACEMENT APPLICATION DATED 13.04.2015
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT

EXT.P2 - PHOTOCOPY OF THE NOTARIZED HIRE AGREEMENT DATED 13.04.2015

EXT.P3 - PHOTOCOPY OF THE JUDGMENT IN WPC.NO.6233/2015 DATED
27.02.2015

RESPONDENTS' EXHIBITS: NIL

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P.S. TO JUDGE

C.T.RAVIKUMAR, J.

W.P.(C)No.12695 of 2015

Dated 21st April, 2015

JUDGMENT

The petitioner submitted Ext.P1 application for replacement of the vehicle in respect of a regular permit which is granted in his favour. The vehicle now offered does not belong to the petitioner and the application is not being taken assigning the said reason. The petitioner prays that in the light of Ext.P3 a direction may be issued to the respondent to consider Ext.P1 application.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader.

3. Ext.P3 would reveal that the said judgment was rendered relying on the decision in **M.Raveendran v. R.T.O. & another (1995 (1) KLJ 96)** whereby this Court held that existence of a valid agreement for holding the vehicle would satisfy the legal requirement. In the light of the said decision as also Ext.P3 this writ petition is disposed of with a direction to the respondents to consider Ext.P1 application and pass appropriate orders thereon expeditiously,

at any rate, within a period of one month from the date of receipt of copy of this judgment, irrespective of the fact that the petitioner is not the registered owner of the replacing vehicle, if he is in possession based on a valid agreement between himself and the owner of the said vehicle and he complies with all the other procedures in accordance with law.

Sd/-
C.T.RAVIKUMAR
Judge

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