

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14384 of 2015 (W)

PETITIONER(S) :-

SUSHA S.

PRASANNA BHAVAN, VADASSERIKONAM P.O, CHENNANCODU
VARKALA

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :-

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
(THRIUVANANTHAPURAM RURAL), ATTINGAL-695 308

BY GOVERNMENT PLEADER SRI.A.MOHAMED SAVAD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 14384 of 2015 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHBIIT P1 TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S
STAGE CARRIAGE NO KL 06/E 3375.

EXHBITI P2 TRUE COPY OF THE APPLICATION FOR REPLACEMENT SUBMITTED
BY THE PETITIONER.

EXHBITI P3 TRUE COPY OF THE JUDGMENT DATED 18-02-2014 IN WP(C) NO
4711/2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14384 of 2015

Dated this the 12th day of May 2015

J U D G M E N T

The petitioner is aggrieved by the non-consideration of Ext.P2 application for replacement. The brief facts are that the petitioner is a regular permit holder as is evidenced by Ext.P1, which is valid till 19.11.2017. The petitioner was operating a stage carriage bearing registration No.KL 06/E 3375 on the route Varkala Temple - Attingal. The said vehicle is a 2009 model vehicle and she intends to replace it with a 2013 model vehicle having registration No.KL 16/M 3400. 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.P2 is for the reason that the lease agreement has not been endorsed in the Registration Certificate. The issue is covered by a 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

W.P.(C) No.14384 of 2015

-: 2 :-

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.P2, in accordance with the dictum laid down in the said decision.

This writ petition is disposed of as above. No costs.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

Jvt