

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22939 of 2015 (N)

PETITIONER :

**C.K. SATHY, W/O.LATE O. RAJAN,
GEETHA NIVAS, VENGAD P O., KANNUR**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, VADAKARA**

BY GOVERNMENT PLEADER SRI.K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 22939 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- TRUE COPY OF THE PERMIT ISSUED ON 26/6/2015.

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

P3:- THE COPY OF THE JUDGMENT IN WPC. NO 6606/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22939 of 2015

Dated this the 5th day of August, 2015

J U D G M E N T

Aggrieved by the denial of replacement, the petitioner has come up before this Court.

2. The petitioner is an existing stage carriage operator on the route between Parassinikadavu and Kozhikode and the permit was issued in respect of stage carriage bearing Reg.No.KL 13 N/3906. Since the vehicle is not fit for operation, the petitioner obtained clearance certificate by retaining the permit under suspended animation. Thereafter, she procured another vehicle bearing Reg.No.KL 13 AE/749 on lease agreement. The petitioner applied for replacement with a suitable vehicle and the same has not so far been granted by the 1st respondent for the reason that the petitioner is not the owner of the vehicle. The petitioner points out that as per Section 2(30) of the Motor Vehicle Act, a person who is possessing the vehicle on lease agreement is also termed as

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the owner of the vehicle. It is in this context, the petitioner has come up before this Court.

2. Heard the learned counsel for the petitioner and the learned senior Government Pleader.

3. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent for a consideration of Ext.P2 application for replacement within a time frame in the light of Ext.P3 judgment.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application for replacement in the light of Ext.P3 judgment within a period of three weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this writ petition as well as a copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-