

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24546 of 2015 (P)

PETITIONER :

**VINODAN C.T.K., AGED 39 YEARS,
S/O UNNI, CHONNINTAVIDE THAZHA KUNI HOUSE,
P.O. NADAPURAM, VIA VATAKARA, VATAKARA TALUK,
KOZHIKODE DISTRICT**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT, AUTHORITY, VATAKARA-673 101**

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PERMIT ON THE ROUTE KOYILANDY-VATAKARA.
- EXT.P2: TRUE COPY OF THE JUDGMENT IN WPC 407/15.
- EXT.P3: TRUE COPY OF THE APPLICATION FOR REPLACEMENT
- EXT.P4: TRUE COPY OF IA NO, 10490/15
- EXT.P5: TRUE COPY OF THE ORDER DT. 27/7/15 IN IA 10490/15.
- EXT.P6: TRUE COPY THE RECEIPT FOR PAYMENT OR RS, 5000.
- EXT.P7: TRUE COPY OF THE LEASE AGREEMENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.24546 of 2015

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Dated this the 18th day of August, 2015

JUDGMENT

The petitioner is aggrieved by the non-endorsement of replacement in the permit on the ground that the incoming vehicle is a leased out vehicle.

2. The petitioner is the permit holder on the route between Koyilandy and Vatakara. The petitioner alleges that he had preferred a request for clearance certificate of the vehicle that he was using, by keeping the permit under suspended animation. The same was directed to be issued within a time frame by virtue of the direction in W.P(C) No.407 of 2015. The petitioner further alleges that the time limit fixed for replacement expired on 6.5.2015 and the application for replacement was submitted only on 26.6.2015.

3. The petitioner preferred I.A No.10490 of 2015 in the above writ petition wherein this Court extended the time and directed the Secretary, R.T.A to allow replacement on condition that the petitioner pays ₹5,000/- towards road safety fund. The petitioner alleges that the said condition has been complied with. However. The Secretary has taken a stand that he would not endorse the

replacement in the permit as the incoming vehicle is a leased out vehicle. It is stated that there is no legal impediment in substituting a vehicle with a leased out vehicle as long as the person who has taken the lease is in legal possession of the vehicle. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader in the matter.

5. This Court in **Anilkumar v. R.T.A, Kollam** [2010 (1) KLT 758] observed that there is no legal impediment in substituting a vehicle with a leased out vehicle as long as the person who has taken the lease is in legal possession of the vehicle. The respondent authority does not have a case that the petitioner is illegally possessing the vehicle offered.

Therefore, the writ petition is disposed of directing the respondent to endorse the replacement in the permit as requested by the petitioner in Ext.P3 within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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