

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 25043 of 2015 (E)

PETITIONER(S):

**ANILKUMAR B.,
KEEZHATTINGAL, KADAKKAVOOR, ATTINGAL,
TRIVANDRUM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**REGIONAL TRANSPORT OFFICER,
ATTINGAL, TRIVANDRUM - 695 101.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25043 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-16 H 7871.

EXHIBIT-P1(A)-TRUE COPY OF THE REGISTRATION OF KL-16 D 7243.

EXHIBIT-P2-TRUE COPY OF THE REPRESENTATION DATED 23/04/2015.

EXHIBIT-P3-TRUE COPY OF THE CERTIFICATE OF REGISTRATION KL 16-C 2059.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Ms v/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25043 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to consider Ext.P2 representation and make necessary endorsements in Exts.P1 & P1(a) certificates of registration showing the type of body as 'closed body' taking note of the judgments in WP(C) No.31278/2010 & WP(C) No. 32551/2007.

2. The petitioner owns two LMV goods carriages bearing Reg.Nos.KL-16/H 7871 & KL-16/D 7243 respectively. The petitioner submitted Ext.P2 representation on 23.04.2015 before the respondent seeking permission to cover the open platform of the vehicle, i.e., have an enclosed body for the better safety of the goods carried in the vehicle. Along with Ext.P2, he submitted a copy of the certificate of registration of KL-16/C2059, a similar open body vehicle, which had been granted permission to have an enclosed body. The petitioner points out that in identical cases, this Court has time and again held that providing a cover to the open platform so as to have an enclosed body does not amount to a structural

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alteration; and therefore, according to the petitioner, there is no violation of Section 52(1) of the Motor Vehicles Act, 1988. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned senior Government Pleader in the matter.

4. This Court in WP(C) No.32551/2007 was of the view that unless the basic structure of the vehicle is altered, permission of the authority is not necessary for altering the body. In this case, the petitioner wants to close the open platform.

Therefore, in the light of the judgment referred to above, the writ petition is disposed of directing the respondent to consider Ext.P2 representation and to pass positive orders making endorsements in Exts.P1 & P1(a) certificates of registration within a period of two 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 judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-