

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 26490 of 2015 (I)

PETITIONER:

RAJESWARI N., W/O. SUBBAYAN,
14/170 (5/129), OLD POST OFFICE ROAD,
AMBATTUPALAYAM, CHITTUR, PALAKKAD.

BY ADVS. SRI. G. HARIHARAN
SRI. PRAVEEN. H.

RESPONDENTS:

1. JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE,
CHITTUR, PALAKKAD DISTRICT 678 102.
2. ASSISTANT MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICER,
CHITTUR, PALAKKAD DISTRICT 678 102.
3. MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
MAVELIKKARA, ALAPPUZHA DISTRICT 690 101.
4. REGIONAL TRANSPORT OFFICER,
KOTTAYAM 686 001.
5. SUKUMARAN, S/O. RAGHAVAN,
766/BINDHU BHAVANAM, KADUVINAL P.O
VALLIKUNNAM, ALAPPUZHA DISTRICT 690 501.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE CONTRACT CARRIAGE PERMIT DATED 19.12.2014 ISSUED BY THE SECRETARY, RTA, CHITTUR RELATING TO BUS NO. KL-05U-2545
- EXHIBIT P2 : TRUE COPY OF THE REGISTRATION CERTIFICATE RELATING TO BUS NO. KL-05U-2545 AFTER EFFECTING TRANSFER OF OWNERSHIP IN THE NAME OF THE 5TH RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE REGISTRATION CERTIFICATE RELATING TO BUS NO. KL-05-2545 AFTER EFFECTING TRANSFER OF OWNERSHIP IN THE NAME OF THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT REFUSING TO RENEW THE CERTIFICATE OF FITNESS OF THE VEHICLE MENTIONED IN EXHIBIT P1.
- EXHIBIT P5 : TRUE COPY OF THE PROCEEDINGS DATED 22.08.2015 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P6 : DETAILS OF VEHICLES ARE BEING OPERATED IN THE PALAKKAD DISTRICT WITH THE SAME SET OF FEATURES WITH BODY BUILD BY M/S. PAKASH BODY BUILDERS.

RESPONDENT(S) EXHIBITS :NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 26490 OF 2015

Dated this the 2nd day of September, 2015

JUDGMENT

An order declining issue a certificate of fitness to the vehicle in terms of Section 52 of the Motor Vehicles Act, 1988 is impugned. The petitioner has an effective right of appeal under Section 57 of the said Act wherein all the factual and legal contentions can be raised.

2. I do not find any sufficient ground to invoke the extraordinary jurisdiction of this court when the petitioner has an effective alternative statutory remedy.

The Writ Petition is dismissed without prejudice to the above.

**V. CHITAMBARESH
JUDGE**

ncd