

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936**

**WP(C).No. 27656 of 2014 (F)**  
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**PETITIONER:**  
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**SHAMEEM P. M.,  
S/O. MUHAMMED, KAVUGUPADI HOUSE, MAILMAILAM PARA.P.O.,  
PUDUPADI VIA, CALICUT DISTRICT-673573.**

**BY ADV. SRI.R.K.MURALEEDHARAN**

**RESPONDENTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
MOTOR VEHICLES DEPARTMENT,  
THIRUVANANTHAPURAM-695001.**
- 2. THE REGIONAL TRANSPORT OFFICER,  
OFFICE OF THE REGIONAL TRANSPORT OFFICE,  
KOZHIKODE-673020.**
- 3. THE SUB REGIONAL TRANSPORT OFFICER,  
OFFICE OF THE SUB REGIONAL TRNSPORT OFFICE,  
KODUVALLY, KOZHIKODE DISTRICT-673547.**

**BY GOVERNMENT PLEADER, SMT. K. SUNITHA VINOD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 27656 of 2014 (F)**  
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**APPENDIX**

**PETITIONER'S EXHIBITS**  
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- EXT. P1. : COPY OF THE TEMPORARY REGISTRATION CERTIFICATE  
ISSUED TO THE PETITIONER'S VEHICLE BY THE 2ND  
RESPONDENT.**
- EXT. P2. : A COPY OF THE INSURANCE POLICY ISSUED BY THE  
ORIENTAL INSURANCE COMPANY.**
- EXT. P3. A : A COPY OF THE JUDGMENT IN WPC NO. 18748/2013 DATED  
29-07-2013.**

**RESPONDENTS' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**DST**

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 27656 of 2014**  
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**Dated this the 4<sup>th</sup> day of February, 2015**

**J U D G M E N T**

The petitioner is aggrieved by the refusal of the registering authority to register his vehicle as non transport vehicle on the ground that the same is adapted to carry goods also. According to the petitioner, he intends to use the vehicle to carry passengers only.

2. Today, when the matter came up for hearing, the learned Government Pleader submitted that the matter is covered against the petitioner as per the Division Bench decision of this Court in WA No.1757/2013 & connected cases, which overruled the decision in **Cheriyen** v. **Transport Commissioner** [2009 (2) KLT 583].

3. In **Cheriyen**'s case (supra), the learned Single Judge observed that if the owner of a vehicle is using the vehicle only for the purpose of carrying persons, it can be

classified as a non-transport vehicle and it is open to the registering authority to subsequently verify whether the vehicle is being used as a goods carriage, in which event, appropriate steps could be taken in the matter.

4. The Division Bench, in the aforesaid writ appeals, has observed that if a manufacturer classifies the motor vehicle as a goods carriage or goods vehicle, there cannot be any doubt that it is solely constructed or adapted for the carriage of goods. In such cases, the vehicle can only be classified as a goods carriage, and therefore, a transport vehicle; and the Registering Authority has no discretion in the matter.

Viewed in that profile, the request of the petitioner to convert the petitioner's vehicle as non transport vehicle cannot be allowed; and therefore, the writ petition is dismissed.

Sd/-  
**A.V. RAMAKRISHNA PILLAI,**  
**JUDGE**

bka/-