

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 34257 of 2014 (F)

PETITIONER(S) :

**GILBERT
S/O.JOHNSON, PALLANNIYIL, KALLUVETTANKUZH
VIZHINGAM, THIRUVANANTHAPURAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM - 695 001.**

BY SR. GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 34257 of 2014 (F)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF RELEVANT PORTION OF R.C.BOOK IN VEHICLE
NO.KL.20/G 8963.**

**EXHIBIT P2: TRUE COPY OF RELEVANT PORTION OF R.C.BOOK IN VEHICLE
NO. KL 01 AP 9059.**

**EXHIBIT P3: TRUE COPY OF RELEVANT PORTION OF R.C.BOOK IN VEHICLE
NO.KL 01 AX 3836.**

EXHIBIT P4: TRUE COPY OF LEASE AGREEMENT DATED 11/8/2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No. 34257 of 2014

Dated this the 9th day of January, 2015

J U D G M E N T

The petitioner is the owner of three vehicles, the registration certificates of which are produced at Exts.P1 to P3. The petitioner contends that these vehicles are on lease agreement in the possession and enjoyment of one M/s Kavya Gas Service, who is running a gas agency. Aggrieved by the denial of the respondent in issuing the certificate of fitness for the above three vehicles, the petitioner was before this Court with the above writ petition.

2. It is submitted that the vehicles were originally registered in the name of one another gas agency and later on transferred in the name of petitioner. Now a lease agreement has been entered into by the petitioner and the gas agency, as per Ext.P4. It is also submitted that when the vehicles are produced before the

respondent for obtaining renewal of certificate of fitness and also endorsement of permission for the vehicle so as to facilitate carrying of gas cylinders, the respondent denied the same for reason of the vehicles being not registered in the name of the concerned gas agency.

3. The learned Government Pleader on instruction, submits that fitness would not be definitely declined for the reason stated by the petitioner. It is found that in Ext.P1 the colour of the vehicle is shown as diamond white and highway yellow. The specification in the Motor Vehicles Act, 1988 and Motor Vehicles Rules, 1989 require that such vehicles be painted in orange and white. Ext.P3 though seems to be in order since the same is painted in orange and white, it relates to a vehicle which is N 1 category. The petitioner would have to produce the vehicle for the authority to decide on the fitness, is the contention.

4. In such circumstance, the petitioner is directed to produce the vehicles before the registering

authority and the respondent authority shall consider the same and grant renewal if the same complies with all the requirements under the Motor Vehicles Act and Rules as applicable to vehicles carrying LPG cylinders . If any of the vehicles does not satisfy any of the requirements, the respondent authority shall issue a written order specifying the reason for denial of renewal.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge