

C2/12070/TC/95

Office of the
Transport Commissioner, Trivandrum
dated 3-11-1995

From

The Transport Commissioner,
Thiruvananthapuram

To

1. All Deputy Transport Commissioners.
2. All Regional Transport Officers
3. All Sub Regional Transport Officers

Sir,

Sub : MVs Dept - W/A 372/95 - Judgement
letter received from the Additional
Advocate General -relevant portion
forwarding of - Reg

Ref : 1. Letter No. E4/372/95/WA dated
25-9-95 of the Additional Advocate
General, Kerala.

2. This office letter of even number
dated 27-9-95.

I invite your attention to the judgement of the
Division Bench of the Honourable High Court in the writ appeal
372/95, 627/95, 631/95 and OP No's 6990/92, 14322/94 and 6121/95.
The Additional Advocate General has forwarded a brief note on
the basis of the judgement. The portion of the operating por-
tion of the judgement is as follows :

"A few question of law of general application have
also been laid down in the said judgement. One is a vehicle which
is suitable and intended to be used as Omnibus cannot be permi-
tted to be converted into a motor car." (2) Rules do not contem-
plate the conversion of the vehicles which will basically alter
the content and specification for which the vehicle are manufac-
tured, certified and marketed. (3) It is for the Registering
Authority to take into account various relevant factors before
classifying the vehicle into a particular category and it is not
open to the owners of the vehicles to convert the vehicle to suit
their own convenience. (4) There is nothing wrong if the
Registering authority took into account the possibility of loss
of revenue for the State as a consequence of reduction in seating
capacity. (5) National resources spent on making larger vehicles
will be under utilised if conversions are permitted for reducing
the seating capacity and hence vehicles manufactured and suited
to carry passengers cannot be converted in such a way to defeat
their purpose.

You are directed to take further necessary actions on
the basis of the above general directions.

Sd/-

(V.C. Ayyappan)

Sr Dy Transport Commissioner,
For Transport Commissioner.

Approved for issue.

Senior Superintendent

RRP/3/11