

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 424 of 2015 (C)

PETITIONER :

**HAMZA HAJI,S/O.KUNHIMUHAMMADAJI,
THOTTUNGAL HOUSE, THANALLOOR,
TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM,PIN-676 505**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.424/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGULAR PERMIT NO.P.ST. 10/8550/2000 ISSUED BY THE RESPONDENT TO THE PETITIONER.**
- P2 COPY OF THE REGISTRATION CERTIFICATE OF STAGE CARRIAGE KL-55-J-9601.**
- P3 COPY OF THE REGISTRATION CERTIFICATE OF STAGE CARRIAGE KL-13-M-2441.**
- P4 COPY OF THE APPLICATION FOR REPLACEMENT DATED 27/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.424 of 2015 - C

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Dated this the 7th day of January, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Karekkad - Parappanangadi. The permit was issued to his stage carriage bearing registration No. KL-55-J-9061. He obtained clearance certificate with respect to the above vehicle and thereafter he sought for replacement of the vehicle by Ext.P4 by producing the records of stage carriage bearing registration No. KL-13-M-2441. However, the Secretary, RTA has declined consideration of the application for replacement and on the ground that the outgoing vehicle is older than the one sought to be replaced.

2. This Court had considered the said issue in W.P(C) No. 3553/2013 dated 06.12.2013 and had held that though discretion is vested in the respondent under Rule

174(2) of the Kerala Motor Vehicle Rules, 1989 to assess the merits and demerits of a vehicle, it cannot be extended to merely looking at the model or date of registration of the vehicle. In such circumstances, Ext.P4 shall be reconsidered in accordance with law, without looking into the model, but only considering the viability of the said vehicle to be operated on the route in question.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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P.A To Judge.