

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 1267 of 2015 (G)

PETITIONER :

**SAJAN,
VEVUKKATU HOUSE, VARAPUZHA,
ERNAKULAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682 030**

BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.1267/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE JUDGMENT DATED 02/12/2014 IN WP(C).NO.32301 OF 2014.**
- P2 COPY OF THE CERTIFICATE OF REGISTRATION OF KL-13/P 7704.**
- P3 COPY OF THE APPLICATION FOR REPLACEMENT DATED 12/01/2015.**
- P4 COPY OF THE JUDGMENT DATED 08/04/2014 IN WP(C).NO.10502 OF 2014.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J.

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W.P.(C) No.1267 of 2015 - G

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Dated this the 14th day of January, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Aluva - Varapuzha. The permit was issued to his stage carriage bearing registration No. KL-42/D-6992. He obtained clearance certificate with respect to the above vehicle and thereafter he sought for replacement of the vehicle by Ext.P3 by producing the records of stage carriage bearing registration No. KL-13/P-7704. However, the Secretary, RTA has not considered the application for replacement and on the sole 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.P3 shall be considered 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.