

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2731 of 2015 (N)

PETITIONER(S) :

**P.DEVADAS, AGED 43 YEARS,
S/O.GOPALAKRISHNAN, KALLITTUKUZHIL HOUSE,
PERUVALLOOR P.O., THRISSUR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 002.**

BY SR.GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 2731 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE REGULAR PERMIT VALID TILL 06/05/2015.**
- P2: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-13/G 6336.**
- P3: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-13/H 779.**
- P4: TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED 22/12/2014.**
- P5: TRUE COPY OF THE JUDGMENT DATED 08/04/2014 IN W.P.(C).NO.10502/2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

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W.P.(C) No.2731 of 2015 - N

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Dated this the 30th day of January, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Pushpagiri - Guruvayoor. The permit was issued to his stage carriage bearing registration No. KL-13/G-6336. 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/H-779. However, the Secretary, RTA has rejected the application for replacement and declined to grant the same 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

SB

// true copy //

P.A To Judge.