

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 3189 of 2015 (W)

PETITIONER(S) :

**SMT.AYISHABI, AGED 48 YEARS,
W/O.MOHAMMEDALI, VENGATTITRI, PATTAMANNA,
KALIKAVU, MALAPPURAM**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN-675 505.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 3189 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1: PHOTOCOPY OF THE REGULAR PERMIT NO.P.ST.10/114/2001 ISSUED
BY THE RESPONDENT TO THE PETITIONER.**

**EXT P2: PHOTOCOPY OF THE REGISTRATION CERTIFICATE OF STAGE
CARRIAGE KL-09-M-9233.**

**EXT P3: PHOTOCOPY OF THE APPLICATION FOR REPLACEMENT
DATED 22.01.2015 SUBMITTED BY THE PETITIONER BEFORE
THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.
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W.P.(C) No.3189 of 2015 - W
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Dated this the 2nd day of February, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Parasseri - Kalikavu - Wandoor touching Chokkad Harijan Colony. The permit was issued to his stage carriage bearing registration No. KL-10/AE-783. 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-09/M-9233. 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.P3 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

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P.A to Judge.