

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 4633 of 2015 (D)

PETITIONER(S):

**BINDU, AGED 29 YEARS
W/O. MIJU, RESIDING AT THOKKATH HOUSE, MANJUMMEL
UDYOGMANDAL PO, ELOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682030.**

BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 4633 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PERMIT VALID TILL 15.3.2016

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 14.11.2014 IN WPC NO.29192
OF 2014**

**EXHIBIT P3: TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED
9.2.2015**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 8.4.2014 IN WPC NO.10502 OF
2014**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

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W.P.(C) No.4633 of 2015 - D

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Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Eloor Depot - Fort Kochi. The permit was issued to his stage carriage bearing registration No. KL-39/B-655. 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-11/X-871. 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

SB

// true copy //

P.A to Judge