

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936**

**WP(C).No. 4980 of 2015 (V)**  
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**PETITIONER(S):**  
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**MOHAMMED MANSOOR,  
S/O.KUNHIMOHAMMED, PARAMBAN HOUSE,  
P.O. PANG, MALAPPURAM DISTRICT.**

**BY ADV. SRI.SAJU J.VALLYARA.**

**RESPONDENT(S):**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
MALAPPURAM, PIN - 676 505.**

**BY GOVT. PLEADER SRI.R. RANJITH.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

**WP(C).No. 4980 of 2015 (V)**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

**EXHIBIT P1. PHOTOCOPY OF THE REGULAR PERMIT NO.P.ST. 10/55/2001  
ISSUED BY THE RESPONDENT TO THE PETITIONER  
DATED 23/05/2014.**

**EXHIBIT P2. PHOTOCOPY OF THE APPLICATION FOR REPLACEMENT  
DATED 24.01.2015 SUBMITTED BY THE PETITIONER BEFORE  
THE RESPONDENT.**

**RESPONDENT'S EXHIBITS:-**

**NIL.**

**//TRUE COPY//**

**P.A TO JUDGE**

**rs.**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.4980 of 2015 - V**

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**Dated this the 23<sup>rd</sup> day of February, 2015**

**J U D G M E N T**

The petitioner is a stage carriage operator in the route Charakkaparamba - Malappuram. The permit was issued to his stage carriage bearing registration No. KL-10-P/9030. He obtained clearance certificate with respect to the above vehicle and thereafter he sought for replacement of the vehicle by Ext.P2 by producing the records of stage carriage bearing registration No. KL-18-A/9050. 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.P2 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