

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No.6080 of 2015 (H)

PETITIONER:

**M.K.SASIDHARAN,S/O.KRISHNANKUTTY,
MALAYIL THEKKETHIL,PULIYOOR P.O,
CHENGANNUR**

BY ADV. SRI.P.DEEPAK

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA - 689 645**

BY GOVT. PLEADER SRI.R.RANJITH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.6080 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1-TRUE COPY OF THE REGULAR PERMIT VALID TILL 21.9.2019.

**EXT.P2-A TRUE COPY OF THE APPLICATION FOR REPLACEMENT
DATED 23.2.2015.**

EXT.P3-A TRUE COPY OF THE LEASE AGREEMENT DATED 21.2.2015.

**EXT.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

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K. Vinod Chandran, J.

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W.P.(C)No.6080 of 2015

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Dated this the 2nd day of March, 2015.

JUDGMENT

1. The petitioner is a stage carriage operator in the route Niranam-Thottady-Kozhencherry. The permit was issued to his stage carriage bearing registration No.KL-30/A 1384, which is valid till 21.9.2019. The petitioner obtained clearance certificate with respect to the above vehicle, retaining the permit under suspended animation. Thereafter the petitioner sought for replacement of the vehicle, by producing the current records of vehicle bearing registration No.KL-03/N 6536. The grievance of the petitioner is that Ext.P2 application submitted by the petitioner for replacement has not been considered so far.
2. This Court had considered the said issue in W.P.(C).No.3553 of 2013 dated 6.12.2013 and had held that though discretion is vested in the respondent under Rule 174(2) of the Kerala Motor Vehicles 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, the respondent is directed to consider Ext.P2 application and pass orders thereon, without looking into the model, but only considering the viability of the said vehicle to operate on the route in question.

Writ Petition is disposed of as above.

K. Vinod Chandran, Judge.

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