

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 8044 of 2015 (E)

PETITIONER :

**BHAVADAS, S/O.MURUKANDY,
KRISHNAKRUPA, KURUPPATH VEEDU,
CHEMPADAM KALA, CHANDRA NAGAR.P.O.,
PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.8044/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGULAR PERMIT OF KL-10 R 7410.**
- P2 COPY OF THE CLEARANCE CERTIFICATE DATED 25/11/2014.**
- P3 COPY OF THE APPLICATION FOR REPLACEMENT DATED 7/3/2015 WITH COVERING LETTER AND CHALAN.**
- P4 COPY OF THE PERMIT OF KL-11 Q 1024.**
- P5 COPY OF THE JUDGMENT IN WP(C).NO.4266/2015 DATED 11/2/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J

W.P.(C).No. 8044 of 2015

Dated 13th March, 2015

JUDGMENT

The petitioner is a stage carriage operator in the route Meenakshipuram-Malampuzha Dam. The permit was issued to his stage carriage bearing registration No.KL-10 R 7410. 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 Q 1024. However, the Secretary, RTA has declined consideration of the application for replacement 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 re-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

Mrcs

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