

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9864 of 2015 (G)

PETITIONER(S):

**THORAPPA ALI, THORAPPA HOUSE,
KAKKAD, KOOTILANGADI, MALAPPURAM.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN-676505.**

BY GOVERNMENT PLEADER SRI.R.RENJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 9864 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE PERMIT BEARING REGISTRATION NO.KL-11/X-8919**
- P2: COPY OF THE REGISTRATION CERTIFICATE IN RESPECT OF STAGE CARRIAGE NO.KL-09/S-8242**
- P3: COPY OF THE APPLICATION FOR REPLACEMENT SUBMITTED BY THE PETITIONER DATED 10/3/15**
- P4: COPY OF THE JUDGMENT IN WPC.3553/13 OF THIS HON'BLE COURT DATED 6/2/13.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.VINOD CHANDRAN, J.

W.P.(C).No.9864 of 2015-G

Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Muthukurissy-Malappuram. The permit was issued to his stage carriage bearing registration No.KL-11/X-8919, which is valid till 19.05.2017. Thereafter the petitioner sought for replacement of the vehicle, by producing the current records of vehicle bearing registration No.KL-09/S-8242, by Ext.P3 application, which is pending consideration before the respondent. The respondent is maintaining a stand that since the incoming vehicle is older than the one sought to be replaced, replacement cannot be granted.

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 shall consider Ext.P3 application in accordance with law, 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.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

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P.A to Judge