

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No.11607 of 2015 (A)

PETITIONER:

**K.P.UMMER,S/O.PAREED,RESIDING AT
KOKKADAN HOUSE,ALLAPRA,PERUMBAVOOR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT:

**THE SECRETARYREGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA-686661.**

BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

W.P(C) NO.11607/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE PERMIT VALID TILL 27.10.2015.

**EXT.P2:TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED FILED
ON 6.4.2015.**

EXT.P3:TRUE COPY OF THE JUDGMENT DATED 8.4.2014 IN WPC NO.10502/2014.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K.VINOD CHANDRAN, J.

W.P.(C).No.11607 of 2015-A

Dated this the 08th day of April, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Muvattupuzha-Aluva. The permit was issued to his stage carriage bearing registration No.KL-17/F 2455. 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-10-S-5607. However, the Secretary, RTA has declined consideration of the application for replacement and 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.P2 shall be reconsidered 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)

jma

//true copy//

P.A to Judge