

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

W.P.(C).No.11922 of 2015 (M)

PETITIONER(S):-

JAMEELA, AGED 37 YEARS,
ALAVAKKATTU HOUSE, DESIYAKAVALA,
THRIKKAKARA, KOCHI-21.

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):-

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM - 682 030.

BY GOVERNMENT PLEADER SRI.R.RANJITH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P.(C).NO.11922 OF 2015

APPENDIX

PETITIONER'S EXHIBITS:-

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- | | |
|--------|---|
| EXT.P1 | TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-40/9599. |
| EXT.P2 | TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-07/BF 819. |
| EXT.P3 | TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED 07.04.2015. |
| EXT.P4 | TRUE COPY OF THE JUDGMENT DATED 08.04.2014 IN W.P.(C).NO.10502 OF 2014. |

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K.Vinod Chandran, J.

W.P.(C).No.11922 of 2015

Dated this the 09th day of April, 2015

JUDGMENT

The petitioner is a stage carriage operator on the route Nilampathinjamugal-Mattancherry-Mundamveli. The regular permit was issued to her stage carriage being registration No.KL-40/9599, which is valid till 17.11.2018. The petitioner sought for replacement of the vehicle, by producing the current records of the vehicle bearing registration No.KL-07/BF 819, as evidenced by Exhibit P3. The grievance of the petitioner is that the respondent is refusing to consider Exhibit P3 application for replacement on the ground that the date of registration of the incoming vehicle is 17.04.2007 while that of the outgoing vehicle is 01.06.2007, i.e., the vehicle now offered is older than the one sought to be replaced.

2. This Court had considered the said issue in W.P.(C).No.3553 of 2013 dated 06.12.2013 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 Exhibit 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.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran,
Judge

vku.

[true copy]