

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12181 of 2015 (W)

PETITIONER:

K.C.RAMACHANDRAN AGED 57 YEARS
S/O. CHANDRASEKHARA MENON, NEDUMPILLY HOUSE,
IRINGOLE P.O, PERUMBAVOOR

BY ADV. SRI.P.DEEPAK

RESPONDENT :

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA PIN 686 661

R BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 12181 OF 2015

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL 17/F 644

EXT.P2: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL 17/C 639

EXT.P3: TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED 8.4.2015

EXT.P4: TRUE COPY OF THE JUDGMENT IN WP(C) NO.10502 OF 2014

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K.VINOD CHANDRAN, J.

W.P.(C).No.12181 of 2015-W

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioner is a stage carriage operator in the route Chundakuzhy-Perumbavoor. The permit was issued to his stage carriage bearing registration No.KL-17/F 644, which is valid till 02.11.2018. 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-17/C 639, which was rejected by the respondent, by Exhibit P2. The reason stated for the rejection is that, 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 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 reconsider Ext.P3 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)

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P.A to Judge