

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE ANIL K.NARENDRAN**

**FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937**

**WP(C).No.12485 of 2015 (I)**  
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**PETITIONER:**  
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**K.ADARSH,S/O.KRISHNADASAUNNITHAN,  
RUGMINI BHAVAN,MUTHUKATTUKARA,  
NOORANAD P.O.,MAVELIKARA.**

**BY ADV.SRI.O.D.SIVADAS**

**RESPONDENT:**  
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**THE SECRETARY,REGIONAL TRANSPORT AUTHORITY,  
PATHANAMTHITTA-689645.**

**BY GOVT. PLEADER SRI.K.C.VINCENT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pk**

**W.P(C) NO.12485/2015**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:TRUE COPY OF THE APPLICATION DATED 23.3.2015 SUBMITTED BY THE PETITIONER.**

**EXT.P2:TRUE COPY OF THE PROCEEDINGS DATED 28.3.2015 ISSUED BY THE RESPONDENT.**

**EXT.P3:TRUE COPY OF THE GOVERNMENT NOTIFICATION DATED 29.12.2014.**

**RESPONDENT'S EXHIBITS:**

**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**ANIL K.NARENDRA, J**

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**W.P.(C)No.12485 Of 2015**  
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**DATED THIS THE 24<sup>th</sup> DAY OF APRIL, 2015**

**JUDGMENT**

The petitioner is an existing stage carriage operator on the route Ganesha Vilasam – Koodal. The permit is issued in respect of stage carriage bearing registration No.KL-31B/4181. The vehicle is a 2009 model vehicle having a seating capacity of 38.

2. The petitioner submitted Ext.P1 application before the respondent for replacement of the vehicle and the same was rejected by the respondent by Ext.P2 stating that, the request cannot be granted in view of Ext.P3 notification dated 29.12.2014. The learned counsel for the petitioner pointed out that Ext.P3 notification has already been struck down by this Court in a batch of writ petitions, that is, W.P.(C)No.5728 of 2015 and connected cases.

3. I heard arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondent.

Considering the fact that Ext.P3 notification has already been

interfered with by this Court in W.P.(C)No.5728 of 2015 and connected case, this writ petition is allowed setting aside Ext.P2 order passed by the respondent and directing the respondent to reconsider Ext.P1 application submitted by the petitioner and pass appropriate orders, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment, with notice to the petitioner.

Sd/-  
**ANIL K.NARENDRA,**  
**JUDGE**

dsn