

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 13132 of 2015 (N)

PETITIONER:

**SHANAVAS, KALYANAKULAMBIL VEEDU,
MANGALAM DAM PO, PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001.**

BY SENIOR GOVERNMENT PLEADER SRI.G.GOPAKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 13132 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT P1 : TRUE COPY OF THE REGULAR PERMIT OF KL-49 A 5040.

**EXT P2 : TRUE COPY OF THE JUDGMENT IN WPC.NO.3372/2015
DATED 3-2-2015.**

**EXT P3 : TRUE COPY OF THE APPLICATION FOR REPLACEMENT
DATED 21-4-2015 WITH COVERING LETTER AND CHALAN.**

**EXT P4 : TRUE COPY OF THE JUDGMENT IN WPC.NO.8044/2015
DATED 13-3-2015.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

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K. VINOD CHANDRAN, J

WP(C) NO. 13132 OF 2015

Dated this the 28th day of April, 2015

JUDGMENT

The petitioner is a stage carriage operator in the route Palakkad - Thrissur. The permit was issued to his stage carriage bearing registration No. KL-49 A 5040. He obtained clearance certificate with respect to the above vehicle and thereafter he sought for replacement of the vehicle by Ext.P3 by producing the records of stage carriage bearing registration No. KL-8 AM 6003. However, the Secretary, RTA has declined consideration of the application for replacement 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 WP(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.P3 shall be re-considered in accordance with law, without looking

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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.

K. VINOD CHANDRAN
JUDGE

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