

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No.13225 of 2015 (C)

PETITIONER:

**KUNJAMU,MARATHANGATTU HOUSE,
CHELEMBRA,MALAPPURAM.**

BY ADV.SRI.STALIN PETER DAVIS

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.**

BY GOVT. PLEADER SMT.K.A.SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.13225 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1 - A TRUE COPY OF THE REPLACEMENT APPLICATION DT.14-15
 ALONG WITH THE COVERING LETTER.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13225 of 2015

Dated this the 29th day of May, 2015

J U D G M E N T

The petitioner seeks a direction to the respondent to consider and dispose of Ext.P1, which was submitted by the petitioner for replacement with an older model viable vehicle.

2. I have heard the learned counsel for the petitioner as well as the learned Government Pleader in the matter.

5. The objection raised by the respondent was that the incoming vehicle is not a later model than the outgoing vehicle. The only material question to be considered is regarding the viability of the vehicle concerned. The issue is no longer res integra and is covered by the judgments of this Court, wherein this Court has declared that the authority is bound to look into the viability of the vehicle proposed to operate on the

route in question and not its model.

6. Considering the matters now placed on board, this Court is of the view that the respondent can be directed to consider and dispose of Ext.P1 application submitted by the petitioner.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P1 application submitted by the petitioner in the light of what has been stated above, after affording the petitioner an opportunity of being heard. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition and a copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-