

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No.14802 of 2015 (A)

PETITIONER:

**JIBI PAUL,S/O.PAULOSE,MATTAMANA HOUSE,
NEDUNGAPRA P.O,VENGOOR-683 546.**

BY ADV.SRI.P.DEEPAK

RESPONDENT:

**THE SECRETARY,REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA,PIN-686 661.**

BY GOVT. PLEADER SRI.SHYSON P.MANGUSHA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.14802 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:A TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL.07.BS.8006
ON THE ROUTE UPPUKUZHAY ALUVA.**

**EXHIBIT P2:A TRUE COPY OF THE APPLICATION FOR REPLACEMENT
DATED 14.05.15.**

**EXHIBIT P3:TRUE COPY OF THE JUDGMENT DATED 09.04.15 IN WPC 11922 OF
2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14802 of 2015

Dated this the 28th day of May, 2015

J U D G M E N T

Aggrieved by the non countenance of Ext.P2 application for replacement on the ground that the incoming vehicle is older than the outgoing vehicle, the petitioner has come up before this Court.

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

3. The petitioner points out that the issue is no longer res integra and is covered by the judgments of this Court, wherein it has been declared that the authority is bound to look into the viability of the vehicle to operate on the route in question and not its model.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application in the light of Ext.P3 judgment,

..2..

which covers a similar situation after affording the petitioner an opportunity of being heard within a period of three weeks.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent concerned at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-