

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15504 of 2015 (K)

PETITIONERS:

**K.V. BHASKARAN,
KANATHUMVATHUKKAL, MALENI, KAYYAUUR,
VALIYAPOIL.P.O, KASARAGOD.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KASARAGOD-671121.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 15504 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE PERMIT

EXT.P2 TRUE COPY OF THE APPLICATION FOR REPLACEMENT

EXT.P3 TRUE COPY OF THE PROCEEDING DATED 15.5.2015

EXT.P4 TRUE COPY OF THE JUDGMENT IN WP(C)NO.12680/2008 DTED 05/09/2008.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15504 of 2015

Dated this the 26th day of May, 2015.

JUDGMENT

The petitioner is an existing stage carriage operator between Payyannur and Cherupuzha via Kakkadavu, holding a permit in respect of stage carriage bearing No.KL 13 L/6177. The petitioner submitted an application for replacement of the old vehicle by later model vehicle bearing registration No.KL 59/9642. The respondent by Ext.P3 order, declined to grant replacement for want of No Objection Certificate from the financier. According to the petitioner, this against the decision of this Court in W.P.(C) No.12680 of 2008 (Ext.P4). It is in this background, 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. This Court in Ext.P4 judgment, observed that the replacement of a stage carriage does not amount to change in class attracting Section 51(6), unlike a taxi car, and if that be

so, for that reason No Objection Certificate from the financier is not a requirement for making an application.

In the result, the writ petition is allowed and Ext.P3 is quashed. The writ petition is disposed of directing the respondent Secretary to reconsider the petitioner's application in the light of Ext.P4 within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner and the third respondent an opportunity of being heard. To facilitate an earlier action, it shall be open to the petitioner to produce a copy of the writ petition, a copy of the judgment and Ext.P4 before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.