

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 16398 of 2015 (Y)

PETITIONER(S):

**ABDUL SALEEM,
THALATKAT HOUSE, PULOOPI,
KANNADIPARAMBA,
KANNUR.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM REGIONAL
TRANSPORT OFFICER (RTO),
KANNUR-670 002.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 16398 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF THE REGULAR PERMIT NO.P.ST.13/100016/2002 WITH
ENDORSEMENT.**

P2 : TRUE COPY OF THE REPLACEMENT APPLICATION DATED 14-5-2015.

P3 : TRUE COPY OF THE JUDGMENT DATED 20-2-2014 IN WPC.NO.5085/2014.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.16398 of 2015

Dated this the 3rd day of June, 2015.

JUDGMENT

Seeking a direction to the respondent to consider the petitioner's application for replacement of the stage carriage, the petitioner has come up before this Court.

2. The petitioner is operating a regular stage carriage KL 13/R 9007 between Varam Kadavu - Kannur HQ Hospital. The regular permit is valid upto 6.5.2017. The petitioner alleges that as the existing vehicle gives frequent complaints, he intends to put a more road worthy vehicle, which has undergone engine and body repairs and therefore he sought for replacement by the vehicle taken on lease from one Abdul Rahim of lease deed dated 14.5.2015. It is further alleged that the incoming vehicle is though earlier model, it is more excellent than that of the out going vehicle and hence in the interest of public, the Secretary, RTA ought to have allowed the replacement of vehicle as he has the power to do do. There is no material difference between the incoming vehicle and outgoing vehicle and the delay in considering the same is

without jurisdiction, malafide and illegal.

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

Considering the nature of submissions, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application, after affording the petitioner an opportunity of being heard, within a period of three weeks from the date of receipt of a copy of this judgment. While considering the application, the respondent shall be guided by the road worthiness of the vehicle and not its model. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.