

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 18919 of 2015 (L)

PETITIONER :

**MOIDEENKUTTY,
S/O MOHAMMED HAJI, 2/174, PARAYIL,
MAVOOR P.O, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE, PIN-673 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 18919 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE REGULAR PERMIT RELATING TO
 BUS NO.KL-57-9542**
- EXT.P2: TRUE COPY OF THE APPLICATION MADE BEFORE THE RESPONDENT
 IN FORM NO.PVA UNDER RULE 174 AND 179 OF THE KMV RULES.**
- EXT.P3: TRUE COPY OF THE ORDER DATED 17/6/2015 ISSUED BY TEH
 RESPONDENT REJECTING EXHIBIT P2.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18919 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

Aggrieved by the issue of Ext.P3 order by the respondent rejecting Ext.P2 application for replacement, the petitioner has come up before this Court.

2. The petitioner is an existing stage carriage operator on the route between Kuttikkadavu and Kozhikode via Medical College; and the permit was issued in respect of stage carriage No.KL-14 E/2025. The petitioner submitted Ext.P2 application for replacement of the said vehicle with another vehicle with an increased seating capacity of five seats, which was rejected by the respondent vide Ext.P3. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. It is pertinent to note that the matter relates to replacement of lesser model vehicle; and apart from that, the seating capacity of the incoming vehicle is higher than

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the stage carriage, in respect of which the original permit was issued. As the replacement would only benefit the public, the State, Exchequer etc., this Court is of the view that the writ petition can be disposed of quashing Ext.P3 and directing the respondent to allow Ext.P2 application for replacement within a time frame.

Therefore, this writ petition is disposed of quashing Ext.P3 and directing the respondent to allow Ext.P2 application for replacement within a period of one month from the date of receipt of a copy of this judgment.

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 at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-