

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 21877 of 2015 (H)

PETITIONER(S):

**ANIL KUMAR K.,
S/O.KUNJIRAMAN, SREE RAMAMANDIRAM,
THAZHUTHALA, KOTTIYAM P.O., KOLLAM- 691 571.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY.
KOLLAM -691 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 21877 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE PERMIT DATED 28.01.2015.

**EXHIBIT P2. COPY OF THE APPLICATION DATED 07.07.2015 SUBMITTED BY
THE PETITIONER.**

**EXHIBIT P3. COPY OF THE JUDGMENT IN WP(C).NO.10502/14 DATED 08.04.2014
PASSED BY THIS HONOURABLE COURT.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21877 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

Seeking a direction to the respondent to consider Ext.P2, which was submitted by the petitioner for grant of replacement, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and the permit belonging to the petitioner is in respect of stage carriage No.KL34 B/31 on the route between Chirakkara Temple and Kottarakara. He alleges that on account of the bad condition of the vehicle, he applied for clearance certificate by retaining the vehicle under suspended animation; and accordingly, clearance certificate was granted. In order to resume service, the petitioner submitted Ext.P2 application for replacement. The petitioner points out that the incoming vehicle is a 2006 model vehicle, on account of which the respondent has not granted replacement. According to the petitioner, the make and model of the vehicle is not a sufficient reason to deny replacement. As the respondent is reluctant to consider the application on the ground that the incoming

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vehicle is older than the outgoing vehicle, the petitioner prays for a direction to the respondent to consider his application in the light of Ext.P3 judgment.

3. Heard the learned counsel for the petitioner as well as the learned senior Government Pleader in the matter.

4. The learned counsel for the petitioner invited my attention to Ext.P3 judgment, which covers a similar situation.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P2 application submitted by the petitioner in the light of Ext.P3 judgment, 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.

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/-