

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937**

**WP(C).No. 22630 of 2015 (C)**  
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**PETITIONER :**  
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**C.P. ASEES, AGED 41 YEARS, S/O.MOYTHI,  
CHARAPPARAMBATH HOUSE, ERAVANNOOR P.O.,  
NARIKKUNI, KOZHIKODE.**

**BY ADV. SRI.G.PRABHAKARAN**

**RESPONDENTS:-:**  
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**1. THE SECRETARY  
REGIONAL TRANSPORT AUTHORITY CUM  
REGIONAL TRANSPORT OFFICER,  
(RTO), VATAKARA - 673 101.**

**2. THE REGIONAL TRANSPORT AUTHORITY,  
VATAKARA, REPRESENTED BY ITS SECRETARY, PIN - 673 101.**

**BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1: TRUE COPY OF THE PERMIT WITHITS NO.P.ST.14/4/2004  
DATED 05.04.2013.
- EXHIBIT P2: TRUE COPY OF THE R.C. PARTICULARS VEHICLE NO.KL 57/G 3406.
- EXHIBIT P3: TRUE COPY OF THE R.C. PARTICULARS VEHICLE NO.KL 56/G 1670.
- EXHIBIT P4: TRUE COPY OF THE REPLACEMENT APPLICATION DATED 22.07.2015.
- EXHIBIT P5: TRUE COPY OF THE CHELAN RECEIPT DATED 22.07.2015.
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT DATED 20.02.2014 IN WPC  
NO. 5085/2014.
- EXHIBIT P7: TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE  
PETITIONER DATED 23.07.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 22630 of 2015  
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Dated this the 4<sup>th</sup> day of August, 2015

**J U D G M E N T**

The petitioner is seeking a direction to the respondents to consider and pass positive orders on Ext.P4 application for replacement.

2. The petitioner is a regular stage carriage permit holder in respect of stage carriage bearing Reg.No.KL 57/G 3406, which is a 2012 model vehicle with a seating capacity of 48 seats, on the route, Narikkuni - Kozhikode - Perambra - Kuttiyadi - Nadapuram - Vadakara. The regular permit is renewed up to 27.11.2018. The petitioner alleges that as the existing vehicle demands frequent garaging on account of mechanical defects, it requires replacement and the petitioner obtained another 2012 model KL 56/G 1670 vehicle with a seating capacity of 48 and sought for replacement. The petitioner points out that the incoming

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vehicle and the outgoing vehicle are of the same year with same seating capacity and though the incoming vehicle is 22 days older, it is in a better road worthy condition. According to the petitioner, if the replacement of the vehicle is not allowed immediately, it will affect the public as the existing service will come to an immediate stop as the vehicle is becoming not road worthy and the petitioner also would be put to difficulties. Hence, this writ petition.

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

4. The learned senior Government Pleader, on instructions, submitted that the petitioner has produced only a later model vehicle.

5. The issue is no longer res integra and the only material question to be considered is regarding the road worthiness of the vehicle.

Therefore, the writ petition is disposed of directing

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the respondents to consider Ext.P4 application and pass positive orders if the same is otherwise in order within a period of three weeks 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 respondents at the earliest.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-