

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23939 of 2015 (N)

PETITIONER(S):

**K.V. SATHYAN, KARIYEZHATH HOUSE,
P.O. PERINJANAM, KODUNGALLUR,
THRISSUR.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR-680 002.**

BY GOVT. PLEADER SMT.KA. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: : A TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL-12/B 4789
ON THE ROUTE KODUNGALLUR-GURUVAYOOR.
- P2 : A TRUE COPY OF THE APPLICATION FOR REPLACEMENT
DATED 03-08-2015.
- P3 : TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
KL-12/B-4789.
- P3(A) : TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
KL-07/AJ 1517.
- P4 : TRUE COPY OF THE JUDGMENT DATED 09-04-2015 IN
WP(C).NO.11922 OF 2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23939 of 2015

Dated this the 13th day of August, 2015.

JUDGMENT

Aggrieved by the refusal of the respondent in endorsing the replacement of the substitute vehicle of the petitioner for the reason that the incoming vehicle is registered five months prior to the outgoing vehicle, the petitioner has come up before this Court.

2. The petitioner holds a regular stage carriage permit Ext.P1 to conduct service on the route Kondungallur-Guruvayoor issued in respect of stage carriage being registration number KL-12/B 4789. The petitioner alleges that the vehicle covered under Ext.P1 permit is a 2002 model vehicle with a seating capacity of 28 in all. On 03.08.2015 petitioner filed an application (Ext.P2) for replacement of the above vehicle covered by Ext.P1 permit. The petitioner further alleges that the vehicle offered for replacement is one bearing registration number KL-07/AJ 1517 which is also a 2002 model with a seating capacity of 28 in all. However the respondent is refusing to countenance Ext.P2 application for replacement on

the ground that the incoming vehicle is older than the outgoing vehicle. According to the respondent, the incoming vehicle is registered in July, 2002 whereas the outgoing vehicle is registered in December 2002 five months after the registration of the incoming vehicle.

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

4. The issue is no longer res-integra and is covered by numerous judgments of this Court wherein this Court has declared that the authority is bound to look into the viability of the vehicle to operate on the route in question and not its model.

Considering the nature of the submissions and the nature of the reliefs as prayed for, the writ petition is disposed of directing the respondent to pass appropriate orders on Ext.P2 application in the light of Ext.P4 judgment, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.