

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24223 of 2015 (C)

PETITIONER(S):

**JAMALUDEEN KUNJU,
S/O.YUSUF KUNJU, VELIYIL KIZHAKKETHIL,
VADAKKUMTHALA KIZHAKKU, PANMANA, CHAVARA,
KARUNAGAPPALLY.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOLLAM 691001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 24223 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE APPLICATION DATED 15.05.2015**
- P2: TRUE COPY OF THE JUDGMENT IN WPC.NO.6606/2015**
- P3: TRUE COPY OF THE JUDGMENT IN WPC.NO.10502/2014 DATED 08.04.2014
PASSED BY THIS HONOURABLE COURT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24223 of 2015

Dated this the 17th day of August, 2015

J U D G M E N T

Seeking for a direction to the respondent to consider Ext.P1 application for replacement, the petitioner has come up before this Court.

2. The petitioner is a stage carriage permit holder on the route between Puthensankethan and Bharanikavu in respect of stage carriage bearing Reg.No.KL 23 B/36. He applied for clearance certificate by retaining the permit under suspended animation. The same has been granted pursuant to a direction issued by this Court. The petitioner has to submit the records of the incoming vehicle within a period of four months. According to the petitioner, on account of the shortage of funds, the petitioner was unable to produce the records of the vehicle in time and he submitted an application for replacement on 15.05.2015 by producing the vehicle

..2..

particulars of stage carriage No.KL 01 U/891. The said application was not entertained by the respondent on the ground that the petitioner has not produced the records of the vehicle within the statutory period of four months. The delay in producing the records of the incoming vehicle is not at all a reason to deny replacement; according to the petitioner. He further points out that the make and model of the vehicle is not a sufficient reason to deny replacement and what is to be looked into is the viability of the vehicle as the relevant factor for considering the application for replacement. The petitioner's grievance is that the respondent is reluctant to consider the application on the ground that the incoming vehicle is not later than the outgoing vehicle. Hence, this writ petition.

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

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to grant

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replacement in the light of Ext.P2 judgment within a period of two weeks from the date of receipt of a copy of this judgment. However, the petitioner shall produce records relating to the vehicle intended to be replaced, within four months from the date of replacement.

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 along with a copy of Ext.P2 judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-