

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 24875 of 2015 (H)

PETITIONER :

**VARGHESE MATHEW
BETHEL PULIMMOOTTIL, PAIPPADU
CHANGANACHERRY, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT :

**SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA- 689 645.**

BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 24875 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. COPY OF THE REGULAR PERMIT ISSUED TO KL.05/U.8127 VALID TILL 30.7.2020.

EXHIBIT P2. COPY OF THE CERTIFICATE OF REGISTRATION OF KL.05/U 8127.

EXHIBIT P3. COPY OF THE CERTIFICATE OF REGISTRATION OF KL.06/C 7035.

EXHIBIT P4. COPY OF THE APPLICATION FOR REPLACEMENT DATED 11.8.15.

EXHIBIT P5. COPY OF THE JUDGMENT DATED 9.4.15 IN WPC 11922 OF 2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24875 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to grant replacement.

2. The petitioner, who is a stage carriage operator, holds a regular permit in respect of stage carriage bearing Reg.No.KL-05/U 8127, a 2005 model vehicle, to conduct service on the route between Thiruvalla and Mallappilly, which is valid till 30.07.2020. The petitioner submitted an application for replacing the said vehicle with a suitable other vehicle of the same nature. According to the petitioner, the incoming vehicle proposed was a stage carriage bearing Reg.No.KL-06/C 7035, a 2005 model vehicle with the same seating capacity of 38 in all. As the respondent refused to endorse replacement on the ground that the outgoing vehicle is registered on 18.10.2015 whereas the proposed

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incoming vehicle is registered six months prior to that.

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 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 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/-