

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, 1937

WP(C).No. 24985 of 2015 (W)

PETITIONER(S):

**VIJAYAN PILLAI, KAILAS,
VADASSERIKKARA P.O., PATHANAMTHITTA.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

**THE 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:**

rs.

WP(C).No. 24985 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - A TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL-03/R 2195
(FORMERLY KL-3 J 7475) DT. 04.12.2003.**
- P2 - A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-03/R 2195.**
- P3 - A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-03/ N 7475.**
- P4 - A TRUE COPY OF THE APPLICATION FOR REPLACEMENT DT. 11.08.2015.**
- P5 - A TRUE COPY OF THE JUDGMENT DT. 09.04.2015 IN WP(C).NO.11922/2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24985 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 consider Ext.P4 application for replacement within a time frame.

2. The petitioner, who is a stage carriage operator, holds a regular permit to conduct service on the route, Pathanamthitta - Pathanamthitta, which is valid till 03.12.2018. Ext.P1 permit is issued to stage carriage bearing Reg.No.KL-03/R2195, a 2008 model vehicle with a seating capacity of 38 in all. On 11.08.2015, the petitioner submitted an application for replacing the above vehicle with a suitable other vehicle of the same nature. The incoming vehicle proposed was a stage carriage bearing Reg.No.KL-03/N 7475, 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 incoming vehicle is older than the

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outgoing vehicle, the petitioner has come up before this Court.

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

4. The application for replacement was not considered for the reason that the incoming vehicle, which is a 2005 model of the same seating capacity, is older than the outgoing vehicle, which is a 2008 model. The issue is covered by Ext.P5 judgment produced in this case.

Therefore, the writ petition is disposed of directing the respondent to consider Ext.P4 application and to allow replacement, if the same is otherwise in order within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-