IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 18TH DAY OF JANUARY 2024/28TH POUSHA, 1945

WP(C) NO. 1919 OF 2024

PETITIONER:

SHEJEEF P S
AGED 48 YEARS, S/O ABDUL AZEEZ PARACKAL HOUSE,
PC KAVAL PO, PAIPPAD, CHANGANCHERRY,
KOTTAYAM, PIN – 686 537.

BY ADV
STALIN PETER DAVIS

RESPONDENT:

THE SECRETARY , REGIONAL TRANSPORT AUTHORITY
KOTTYAM , CIVIL STATION,COLLECTORATE PO ,
KOTTAYAM, PIN – 686 002.

BY
S.GOPINATHAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of January, 2024

The petitioner, who is an existing Stage Carriage Operator running service on the route Anjilithanam-Changanassery Perunna Bus Stand has approached this Court seeking to direct the respondent to dispose of Ext.P2 application for replacement vehicle and grant the same with notice to the petitioner within a reasonable time.

2. The petitioner states that he is the owner of vehicle bearing registration No.KL-03N-6096 and the petitioner wants to replace the said vehicle with a later model vehicle bearing registration No.KL-05X-5000. The petitioner has submitted Ext.P2 application in this regard. The application was submitted in December, 2023. The non-consideration of Ext.P2 application is causing untold hardship to the petitioner.

3. Senior Government Pleader entered appearance and resisted the writ petition. The Senior Government Pleader submitted that the petitioner has not produced the copy of the

Registration Certificate. The Registration Certificate is to be mandatorily produced, if the vehicle is to be replaced. However, it is submitted that if Ext.P2 application has been received and pending and it is support by all necessary documents, the same can be considered in accordance with law within a reasonable time.

4. In the facts of the case, taking into consideration the fact that Ext.P2 application has been seen filed by the petitioner on 15.12.2023, the writ petition can be disposed of with appropriate direction.

Therefore, the writ petition is disposed of directing the respondent-Secretary to consider Ext.P2 application for replacement of vehicle, if Ext.P2 is received and pending and is supported by all requisite documents. A decision in this regard shall be taken within a period of one month.

Sd/-
N. NAGARESH
JUDGE

AMR

APPENDIX OF WP(C) 1919/2024

PETITIONER'S EXHIBITS

Exhibit P1	**A TRUE COPY OF THE VALID REGULAR PERMIT FROM 1/12/2021 TO 30/11/2026 DATED 3/11/23.**
Exhibit P2	**A TRUE COPY OF THE APPLICATION FOR REPLACEMENT SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DATED 15/12/23.**