

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937**

**WP(C).No. 13079 of 2015 (H)**  
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**PETITIONER(S):**  
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**M.K.SASIDHARAN,  
S/O.KRISHNANKUTTY, MALAYIL THEKKETHIL,  
PULIYOOR P.O., CHENGANNUR.**

**BY ADV. SRI.P.DEEPAK**

**RESPONDENT(S):**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
ALAPPUZHA-688 001.**

**BY SENIOR GOVERNMENT PLEADER S.JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 13079 of 2015 (H)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-30/b 5914.**

**EXT.P2: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-06/D/3126.**

**EXT.P3: A TRUE COPY OF THE APPLICATION FOR REPLACEMENT DATED 23.04.2015.**

**EXT.P4: A TRUE COPY OF THE JUDGMENT DATED 08.04.2014 IN WPC 10502 OF 2014.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

Msv/

**K.VINOD CHANDRAN, J.**

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W.P.(C) No.13079 of 2015 E  
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Dated this the 28<sup>th</sup> day of April 2015

**JUDGMENT**

The petitioner is a stage carriage operator in the route Ayaprambu - Chengannur. The permit was issued to his stage carriage bearing registration No.KL-30/B 5914, which is valid till 01.12.2014. He obtained clearance certificate with respect to the above vehicle, retaining the permit under suspended animation. Thereafter he sought for replacement of the vehicle by producing the current records of the vehicle bearing registration No. KL-06/D 3126, which was not considered by respondent. The failure to consider is on account of the that the vehicle now offered is older than the one sought to be replaced.

2. This Court had considered the said issue in W.P(C) No. 3553/2013 dated 06.12.2013 and had held that though discretion is vested in the respondent under Rule 174(2) of the Kerala Motor Vehicle Rules, 1989 to assess the merits and demerits of a vehicle, it cannot be extended to merely looking at the model or date of registration of the vehicle. In such circumstances, reconsideration of the replacement application shall be made in accordance with law, without looking into the model, but only considering the viability of the said vehicle to be operated on the route in question.

The writ petition is disposed of.

**sd/  
K.VINOD CHANDRAN,  
JUDGE**

*dl*