

**Eswaramoorthy vs the Secretary**

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**SooperKanoon Citation :** [sooperkanoon.com/1358012](https://sooperkanoon.com/1358012)

**Court :** Kerala

**Decided On :** Apr-28-2023

**Judge :** Honourable Mr.Justice Murali Purushothaman

**Appeal No. :** WP(C)/14753/2023

**Appellant :** Eswaramoorthy

**Respondent :** The Secretary

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 PETITIONER: ESWARAMOOTHY AGED 50 YEARS S/O. DAIVASIKHAMANI, NO. 31/177, JANA APARTMENT, KALLEMPADAM, NILAMBUR, MALAPPURAM DISTRICT,, PIN - BY ADV O.D.SIVADAS RESPONDENT: THE SECRETARY REGIONAL TRANSPORT AUTHORITY, CIVIL STATION, PALAKKAD, PIN - 678001 OTHER PRESENT: GP SRI.JIMMY GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

The above writ petition is filed with the following prayers; (I) Issue a writ of mandamus or other appropriate writ, order or direction to the respondent to entertain Ext.P2 request application for replacement and pass orders granting replacement as sought for by the petitioner, by declaring that the production of leased vehicle is not a ground to deny replacement.

(ii) Grant the petitioner such other reliefs which this Hon'ble court deem just and fit in the circumstane of hte case. (SIC)

2. Petitioner is the holder of Ext.P1 regular permit in respect of stage carriage KL-12/D-6199 to operate on the route

Vazhikadavu-Palakkad. The permit is valid upto 30.01.2027. According to the petitioner, as the vehicle has got serious engine faults, the petitioner was not in a position to conduct service smoothly and therefore, he acquired a vehicle bearing Registration No.KL-58/D-4689 for replacing the existing vehicle. Accordingly he submitted Ext.P2 application for replacement, but the respondent has not considered the same.

3. Heard the learned Counsel for the petitioner and the learned Government Pleader.

4. The learned counsel for he petitioner reiterated his contentions in the writ petition. The Government Pleader, on the

other hand, submitted that if the reason mentioned in the writ petition alone is the ground for not considering an application, there can be a direction to consider that

application. The learned counsel for the petitioner submitted that it is the only reason for not entertaining the application. If that is the case, there can be a direction to the respondent to consider Ext.P2. Therefore, this writ petition is disposed of directing the respondent to consider Ext.P2 application for replacement of the vehicle in the light of the dictum laid down by this Court in Anilumar v.R.T.A., Kollam [2010 (1)KLT 758] as expeditiously as possible, at any rate, within thirty days from the date of receipt of a copy of this judgment. Sd/- MURALI PURUSHOTHAMAN JUDGE saap APPENDIX OF WP(C) 14753/2023 PETITIONER EXHIBITS Exhibit P1 . TRUE COPY OF THE REGULAR PERMIT DATED 29.07.2022 OF STAGE CARRIAGE NO. KL 12/D 6199, VALID TILL 30.01.2027 Exhibit P2 THE COPY OF THE APPLICATION DATED 28.03.2023 //True copy// PA to Judge

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