

Minutes of Regional Transport Authority, Malappuram

Held on 31.08.2017

Present:

1. Sri. Amit Meena IAS, District Collector; Chairman of RTA, Malappuram.
2. Sri. Shaji Joseph, Deputy Transport Commissioner (C Z 1); Member, RTA

Item No.1

Heard the learned counsel.

This is to re-consider the modified application for fresh S/C permit to operate on the route Manjeri – Edavannappara (via) Pokkolathur, Thrippanachi, Kizhisseri and Mundakkal as ordinary service in the light of the directions contained in the Judgment from Hon. State Transport Appellate Tribunal (STAT) in MVAA No. 72/2016 Dtd. 29.05.2017.

This authority in its meeting held on 21.05.2015 in Item no. 30 and the decision was adjourned for want of a specific enquiry report from Motor Vehicle Inspector. Meanwhile the applicant has extended the proposed route to Edavannappara and submitted a modified proposal. Further, this authority has re-considered the application for regular permit submitted by the applicant, specific report of the Motor Vehicles Inspector and also the request of the applicant to modify the proposal were considered on 29.09.2015 in Item No. 12 and rejected the first application submitted by the applicant as per the observations contained in the specific enquiry report and disagreed to consider the modified application. Now, the applicant has produced a judgment from Hon. STAT in MVAA No. 72 /2016; 29.05.2017 which directs this authority to re-consider the modified proposal submitted by the applicant previously. Based on the directions contained in the Judgment from STAT, the application for regular stage carriage permit on the route Manjeri – Edavannappara submitted by the applicant is re-considered in detail. Verified the connected files and documents and also considered the arguments raised for and against the regular permit application. As per the report of the route enquiry officer, the proposed route will not objectionably overlaps with the notified scheme published vide G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017. On further verification of the enquiry report, the officer has submitted that the route passes through ill served areas connecting Manjeri – Kizhisseri and Edavannappara. On Manjeri – Kizhisseri sector there are about 18 buses are operating at present and on the Kizhisseri – Edavannap-

para via. Mundakkal only 2 buses are operating. This authority has examined the time schedule submitted by the applicant in the light of the observations made by the route enquiry officer and seen that out of the proposed twelve single trips, only six are proposed to Edavannappara and rest are restricted on the route Manjeri – Kizhisseri, in which comparatively more number of stage carriages are operating at present. This authority is of the common view that this is against the interest of the travelling public and if the present trips can be equitably distributed that would have been much better in view of the traveling public of that area.

It is also observed that the applicant is not offered any ready vehicle to endorse the proposed permit as on date.

The objections filed by the learned counsel for the State Road Transport Corporation and other en-route operators were also considered as per law.

Hence, this authority directs the Secretary, RTA to further modify/re-arrange the existing timings with at least two more single trips to comparatively ill-served route Kizhisserri – Edavannappara within the existing timing proposal in consultation with the applicant and submit before this authority.

Hence decision on this application is **adjourned**.

Item No.2

Heard the learned counsel.

This is an application to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 12807 of 2017; Dtd. 21.04.2017 and also to re-consider the application for fresh as well as temporary S/C permit to operate on the route Chaliyam – Parappanangadi (via) Kadalundi Kadavu, Kadalundi Nagaram, Anangadi, Vallikkunnu Jn. touching Vallikkunnu Railway Station and Chettipadi with 3 single trips via. Kottakkadavu, Athani, Paruthikkad and Ullanam as ordinary service.

This authority has considered this application in its earlier sitting held on 11.07.2016 in Item No. 35 and directs the Secretary, RTA to obtain concurrence from Sister RTA, Kozhikkode. Again on 30.05.2017, this application was further considered with a report from the Secretary, Sister RTA Kozhikkode and also the request of the applicant to modify the proposal by excluding Vallikkunnu Railway Station. There was vehement objection from other en-route operators that the proposed route passes through the city limit of Kozhikkode Corporation and which is objectionable. Thus, this authority directs the Secretary RTA further to obtain concurrence from RTA, Kozhikkode and

also rejected the modified proposal. Now the Sister RTA, Kozhikkode held on 19.06.2017 in Item no. 2 has granted concurrence for fresh stage carriage permit on the above said route.

Meanwhile in pursuit of the Judgment from Hon. High Court of Kerala in WP(C) No. 1639 of 2016 Dated. 15.01.2016 and WP(C) No. 12807 of 2017 Dtd. 21.04.2017 temporary permit u/s 87(1) c was issued to the applicant on the same route as mentioned above with settled timings on 10.08.2016.

This authority was also considered the Judgment from Hon. High Court of Kerala in WP(C) No. 9523 of 2017 Dtd. 21.03.2017 produced by Mr. Veerankutty E., S/o. Aboobacker, KuruppanThodikayil House, Malayamma P.O., Kozhikkode in which Hon. High Court has directed to consider his objections with respect to the settled timings on 10.08.2016 before the re-issuance of the temporary permit.

As per the report of the route enquiry officer, this is an inter-district permit with 32 Kms. route length. Concurrence has already been granted by the Sister RTA, Kozhikkode for the portions passing through their jurisdiction.

The enquiry officer has further reported that there is an overlapping of 2.8 Kms from Chettippadi to Parappanangadi and also a crossing (45 Mts) at Koottumoochi with the notified route Ponnani – Chelari finalized as per G.O. (P) No. 79/2015/Tran. 08.12.2015 and he has reported that this overlapping is not objectionable as per the final scheme. Also, the learned counsel for Road Transport Corporation has also not objected the grant of the permit except that for the identical timing.

The objections submitted by the en-route operators were also considered as per law. The Headmaster of AMUP School, KadalundiNagaram has also submitted that more number of stage carriages are required to settle down the present issues related to transportation of students studying in his institution.

In this context, regular permit is **granted** and also subject to the consideration of timing objections raised by

- 1) Mr. Veerankutty E., S/o. Aboobacker, KuruppanThodikayil House, Malayamma P.O., Kozhikkode in which Hon. High Court of Kerala has directed to consider his objections in WP(C) No. 9523 of 2017 Dtd. 21.03.2017
- 2) the learned counsel for Kerala State Road Transport Corporation.

The applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in

Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.3

Heard the learned counsel.

This is to re-consider the application for fresh S/C permit to operate on the route Nalloorpulli- KavalaPuthanezhi- Perinthalmanna. This authority has considered the application, route enquiry report and connected files in detail. The arguments for and against the application were also considered as per law. The total length of the proposed route is 37.6; of which 34.1 Kms lies under the jurisdiction of this authority and 3.5 Kms. lies in Palakkad District. There is a virgin portion of 9.3 Kms in the proposed route. Route Enquiry Officer has suggested the fare stages and the same is published along with the agenda. There is also an overlapping of 1.8 Kms with the notified portion. The enquiry officer has also stressed the need of a stage carriage service on the proposed route.

The application was previously considered by this authority held on 11.07.2016 in item 41 and the decision was adjourned with a direction to the Secretary, RTA to:

- 1) Re-enquire the matter and ascertain the exact distance of overlapping with notified portion.
- 2) Obtain a specific report from Sister RTA, Palakkad specifying whether the proposed route overlaps with the notified portion in their jurisdiction or not.
- 3) Modify the time schedule in consultation with the applicant in such a way that there should be at least two more trips to Melattur during peak hours.

On further verification files, report from MVI, Palakkad has been received and he has reported that the proposed route overlaps with the notified route Palakkad – Kannur in Perinthalmanna Town 1.8 Kms which is not objectionable and also the proposed route does not overlap with any of the notified routes in Palakkad District

The applicant has also produced a Judgment in WP(C) No. 34228 of 2016 Dtd. 26.10.2016; which directs this authority to consider the application of the petitioner for grant of regular permit and decides his entitlement as proposed by the applicant. In obedience to the judgment this authority considered the application afresh in its sitting held on 25.01.2017 in Item no. 4 and noted that the report forwarded by the

Secretary, RTA Palakkad is not suffice to take an appropriate approach on this application. Hence this authority directs Secretary, RTA to

- 1) obtain concurrence from Sister RTA Palakkad to proceed further on this application;
- 2) the applicant is directed to furnish the details of the vehicle to which the fresh permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No. 6 to 8 in Form P.St.S.A as per section 70[1] Clause[f] of Motor Vehicles Act 1988.
- 3) obtain fare stages for the entire route from the route enquiry officer and place before this authority and adjourned the decision on this application.

On further verification of connected files, it is seen that the concurrence from Sister RTA, Palakkad is not obtained. Hence the Secretary, RTA is further directed to obtain concurrence from Sister RTA Palakkad to proceed further on this application. Hence decision on this application is **adjourned**.

Item No.4

Heard the learned counsel.

This is an application to re-consider the application for fresh S/C permit to operate on the route Koottumoochi – MeleChelari – Feroke – Parappanangadi and Tanur. This was considered by this authority held on 11.07.2016 in Item no. 80 and the decision was adjourned with a direction to the Secretary, RTA Malappuram to obtain a report from Sister RTA, Kozhikkode specifying whether the proposed route overlaps with any of the notified sectors in their jurisdiction objectionably or not and place before this authority.

On verification of the application and report of the primary enquiry officer, it is revealed that, this is an inter-district route with route length 75 Kms, of which 8.8 Kms lies in Kozhikkode district. There is a virgin portion of 3.8 Kms and 3.3 Kms as per G.O. (P) No. 42/2009/Trans. Dtd. 14.07.2009 and which is not objectionable as per clause 5 (c). Also an overlapping of 2.8 Kms as per G.O.(P) No. 79/2015/Tran. Dtd. 08.12.2015. Further, in obedience to the direction of this authority, Secretary, RTA, Malappuram has submitted that the matter was communicated to Sister RTA, Kozhikkode and in return, they have forwarded the report of Motor Vehicle Inspector, Regional Transport Office, Kozhikkode. This authority has verified the report in detail and as per the report, there is neither any objectionable overlap for the proposed route with any notified sectors nor any virgin portion under their jurisdiction.

There were vehement objections from other en-route operators and also from Feroke Area Bus Operators Association (Bus Owners Unity Scheme) formed by the collective of all stage carriage operators in Feroke area that part of the proposed route is passing through the city limit of Kozhikkode and which is objectionable overlapping with notified portion. They have also pointed out that there is a time clash for 90 trips of their buses. There were heated arguments and counter arguments in the open hearing of this authority on the feasibility of operating a stage carriage service on the proposed route.

Further, the matter was considered by this authority in its sitting held on 25.10.2016 in Item no. 2 and the decision was further adjourned with a direction to the Secretary, RTA to

- 1) obtain concurrence from Sister RTA Kozhikkode to proceed further on this application;
- 2) the applicant is directed to furnish the details of the vehicle to which the fresh permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No. 6 to 8 in Form P.St.S.A as per section 70[1] Clause[f] of Motor Vehicles Act 1988.
- 3) obtain fare stages for the entire route from the route enquiry officer and place before this authority.

The applicant has approached Hon. High Court of Kerala and produced the Judgment in WP(C) No. 11429 of 2017 Dtd. 03.04.2017 which directs this authority to take a decision on this application in the light of the Judgment of Hon. High Court of Kerala in WP(C) No. 1317 of 2017 Dtd. 03.03.2017. This authority has considered the matter in its individual merits.

The objections raised by the Counsel for Road Transport Corporation and other en-route operators were also considered as per law. Objection submitted by the Feroke area bus operators association was also examined in detail.

The route enquiry officer has reported that portion of the route from Chemmad to Muttichira 3.3 Kms overlaps with the notified scheme published vide G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017 and which is not objectionable. Further, from Parappanangadi to Chettippadi the proposed route overlaps with the notified scheme Ponnani _ Chelari. As per the finalized scheme as per G.O. (P) No. 79/2015/Tran. 08.12.2015 and he has

reported that this overlapping is not objectionable as per the final scheme. Also, the learned counsel for Road Transport Corporation has also not objected the grant of the permit except that for the identical timing. There is virgin portion in the proposed route for a length of 3.8 Kms. Road fitness certificate produced and fixed fare stages were published and approved.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.5

Heard the learned counsel.

This is to re-consider the application for fresh S/C permit to operate on the route Cherplasserry – Melattur – Alanallur. This is an inter-district route with total route length 39.7 Kms in which 29.7 Kms lies in Malappuram and 10 Kms lies in Palakkad District. There is no overlapping with the notified sector and no virgin portion in the proposed route. As per the report of the enquiry officer, the present stage carriage operations are not enough to occupy the people and students travelling in the proposed route. This authority has verified the application and report of the enquiry officer in detail. Further this application was already been considered by the RTA held on 11.07.2016 in item no. 29 and the decision was adjourned for want of a specific report from the Sister RTA, Palakkad especially whether the proposed route overlaps with any of the notified portions in their jurisdiction or not. This was enquired by the Motor Vehicle Inspector, Sub-RT Office, Mannarkkad and the report was forwarded by the Secretary, RTA, Palakkad. The applicant has offered the stage carriage KL 53 K 5629 for endorsing the permit. The objections raised by other en-route operators were considered as per law.

The application was further considered by this authority on 25.01.2017 in item no. 3 and the decision was adjourned with direction to the Secretary, RTA to

- 1) obtain concurrence from Sister RTA Palakkad to proceed further on this application;
- 2) obtain fare stages for the entire route from the route enquiry officer and place before this authority.

Meanwhile, the applicant has produced a judgment from Hon. High Court of Kerala in W.P.(C) No. 9843 of 2017 Dtd. 07.07.2014 which directs this authority to consider the application afresh.

This authority has further verified the connected files and it is observed that temporary permit was issued to the applicant on the same route u/ 87 (1) c as per the direction of Hon. High Court of Kerala in 9843 of 2017 Dtd. 24.03.2017 with settled timings on 22.05.2017.

This authority has also considered the objections with respect to timings and connected judgments.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.6

Heard the learned counsel.

This is to consider the application for fresh S/C permit to operate on the route Puthanathani – Alloor. This is an intra-district route with total route length 6.1 Kms. The authority has verified the application and connected files in detail. As per the report there is no virgin portion and no overlapping with the notified route. He has also reported that the proposed route is not adequately served with stage carriages. Present stage carriage operations are insufficient to occupy the present travelling needs of the public.

The matter was previously considered by this authority on 25.01.2017 in Item No. 25 and the decision was adjourned with a direction to

1)the applicant is directed to furnish the details of the vehicle to which the fresh permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No. 6 to 8 in Form P.St.S.A as per section 70[1] Clause[f] of Motor Vehicles Act 1988.

2) obtain fare stages for the entire route from the route enquiry officer and place before this authority.

The applicant has produced a judgment from Hon. High Court of Kerala in WP(C) No. 16926 of 2017 Dtd. 26.05.2017 and which directs this authority to consider the application without the particulars of the vehicle. In obedience to the directions contained in the judgment, the application was re-considered. The objections with respect to the timings were considered.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.7

Heard. This is to consider the application for fresh S/C permit to operate on the route Melattur-Kozhikkode. This authority has considered the application and verified connected records. The route enquiry officer has reported that this is an inter-district route with route length 85.5 Kms of which 56.9 Kms lies in Malappuram District and 28.6 Kms in the jurisdiction of Sister RTA, Kozhikkode. There is no virgin portion and an overlapping of 2.1 Kms with notified sector. However the same is not objectionable. The application was previously considered by this authority on 25.01.2017 in Item No.33 and the decision on the application was adjourned with a direction to seek concurrence from Sister RTA, Kozhikkode.

Meanwhile the applicant has submitted an produced a judgment from Hon. High Court of Kerala in WP(C) No. 7850 of 2016 Dtd. 09.03.2017 and in obedience to the directions contained in the judgment and also the decision of this authority (by circulation) Dtd. 28.04.2017 temporary permit u/s 87(1) c was issued with settled timings on 25.04.2017.

The objections raised by the learned counsel of State Road Transport Corporation and other en-route operators were heard.

In this context, regular permit is **granted** and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.8

Heard. This is to re-consider the modified application for fresh S/C permit to operate on the route Manjeri – Chundamanna (via) Manjeri Medical College, Vyaparappadi, Veettikkode, Alungal, Eranhikkal, Pullancherry, Puzhankavu, Kottakkuth, Mukkam, Nellikkuth Town, Mannakkalangadi, Thangalppadi, Nellikkuth School, Chengana, Amayancode, Mukkam, Millumpadi, Pilakkal, with Manjeri – Perimblam trip via. Anakayam, Enangaparamba, return via. Panayi and Chundamanna – Pandikkad trip via. Mukkam, Nellikkuth School, Thangalppadi, ValluvangadPalam with Pandikkad – ValluvangadPalam trips via. Pandikkad High School Padi, Colony Road, Tharippadi, Millumpadi, Athani and Parambanpoola, Pandikkad – Manjeri trip via. Panthallur and Vallikkapetta and Manjeri – Cheruvatty trip via. Payyanad, Cholakkal, Elambra, Cherukulam, Koyilandi, Kuttasserry and Peleppuram with halt at Puzhankavu (Vehicle offered – KL 10 AX 2688).

This application for fresh stage carriage permit on the route Pandikkad – Manjeri – Puzhakkavu – NellikkuthSchol – Chundamanna was previously considered by this authority on 25.10.2016 in Item No. 19 and the decision was adjourned with a direction to mention the intermediate points and fare stages. Meanwhile the applicant has proposed slight modifications on the proposal and the same was admitted.

As per the report of the enquiry officer, there is a virgin portion of 1.6 Kms and upon verification road fitness certificate has been obtained. Fare stages fixed.

In this context, regular permit is **granted** subject to settlement of timings to KL 10 AX 2688 and the applicant is directed to produce the current records of his stage carriage KL 10 AX 2688 as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.9

Heard. This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 23464 of 2017; Dtd. 17.07.2016 and also to consider the application for regular Stage Carriage permit to operate on the route Thalakkappu – Variyath (via) Kooriyad, Villoor, Arichol, Kottakkal, 2 single trips via. Indianoor, Chankuvetti, Parambilangai and Cherusola, with Kottakkal – Kadampuzha 2 single trips via. Kavathikulam, Kottor and Maravattam and with Kottakkal-Puthupparamba 2

single trips via.Chankuvetti, AVS College Junction as Ordinary Service. This authority has verified the application, report of the enquiry officer and connected files in detail. As per the report,there is an overlapping of 1.7 Kms with notified sector published vide G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017 and which is not objectionable. This authority perused the judgment from Hon. High Court of Kerala in WP(C) No. 23464 of 2017; Dtd. 17.07.2016. Considered the objections raised for and against the application.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.10

This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 35178 of 2016 Dtd. 03.11.2016 and to re-consider the application for fresh S/C permit to operate on the route Pulikkal – Puthiyodathuparamba (via) Andiyoorkunnu, Karadukandam, Vallikkad, Pallippadi, PalliValavu and Aroor as Ordinary Service. This authority considered this application in its previous sitting held on 21.05.2017 in Item no. 26 and the decision was adjourned the decision for want of road fitness certificate for the virgin portion mentioned in the report of the enquiry officer. Now the applicant has submitted that the proposed route is not passing through the virgin portion mentioned in report. Re-enquiry was conducted and a revised report was submitted by the enquiry officer. This authority has considered the application in the light of the revised enquiry report and also the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 35178 of 2016 Dtd. 03.11.2016

In the open hearing of this authority, there were vehement objections against the issuance of this permit stating that there is not enough space for a stage carriage to turn and park in the proposed halting place. The same was considered and verified the same were over-ruled as per the report of the route enquiry officer.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as

specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.11

Heard. This is to re-consider the application for fresh stage carriage permit to operate on the route Kuzhippuram Kavala – Vengara – Kottakkal (via) Iringalloor, Kacherippadi, Puthanangadi, Mini Bazar, Puthuparamba, AVS College Junction, Chankuvetti, Parappur as ordinary service. The application was considered by the RTA held on 25.10.2016 in item 22 and the decision was adjourned for want of two more single to and from trips to ill-served area KuzhipramKavala. The applicant was submitted a revised proposed with two more single to KuzhippuramKavala. This authority has verified the report of the enquiry officer and revealed that there is an overlapping of 0.5 Kms with the notified route published vide G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017 and which is not objectionable.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.12

Heard. This is to consider the application for fresh S/C permit to operate on the route Othai-Areacode-Manjeri-Kizhuparamba-Kondotty (via) Paloth, Thencherry, Maithra, Maithrakadavu, Ambalappadi, Puthalam and 3 single trips (via) Thachanna, Manjeri via Kavanur, Nellipparamba and Jaseela Jn., Areacode, via. Kizhisserri, Kizhuparambavia. Kuttooli, with Halt at Areacode as Ordinary Service. As per the report of the route enquiry officer there is no objectionable overlapping with any of the notified sectors.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in

Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.13

Heard. This is to consider the application for regular Stage Carriage permit to operate on the route Kunnumpuram – Mampuram (via) Valiyapeedika, Puthiyathupuraya, Yarathumpadi, Chendappuraya, High School, V.K. Padi and Vettam Bazar as Ordinary Service. As per the report of the route enquiry officer there is no objectionable overlapping with any of the notified sectors.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.14

Heard. This is an application for regular Stage Carriage permit to operate on the route Kunnumpuram – Mampuram (via) Valiyapeedika, Puthiyathupuraya, Yarathumpadi, Chendappuraya, High School, V.K. Padi and Vettam Bazar as Ordinary Service. As per the report of the route enquiry officer there is no objectionable overlapping with any of the notified sectors.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.15

Heard. This is an application for regular Stage Carriage permit to operate on the route Kondotty – Areacode (via) Mundakkulam, Muthuparamba, Pothuvettipara, Mundakkal, Cheruparamba and Vavoor Road and touching Kizhisseri in the morning from Pothuvettipara via. Onnam Miles 2 singles and halt at Pothuvettipara as Ordinary Service. As per the report of the route enquiry officer, there is 0.8 Kms

overlapping with notified route (Kondotty to Edavannappara Junction); which is not objectionable. There is also a virgin portion from Pothuvettippara to Vavoor Road (5.4 Kms). Assistant Engineer, Sasyabhava, CheekkodeGramapanchayath has certified that the road Pothuvettippara – Mundakkal – Cheriyparambu-Vavoor road is fit for transportation. Fare stages for the virgin portion fixed by the Enquiry Officer and published the same along with the agenda. However, upon verification of the road fitness certificate, this authority feels that the same is not specific and not drafted in a proper manner. The Secretary, RTA is directed to obtain a fresh certificate of fitness from a competent authority with details of exact places and distance between the route in which the fitness is given and place before this authority.

Hence decision on this application is **adjourned**.

Item No.16

Heard. This is an application for fresh S/C permit to operate on the route Puthanathani – Tirur via. Kuttikkalathani, Pattarnadakkavu, Vairankode, Ezhur, Thuvvakkad touching Thirunavaya one trip with Tirur-Pattarnadakkavu cut trips and one round trip from Tirur to Tirur via. Payyanangadi, Vailathur, Tanalur and Payyanangadi as Ordinary Service.

As per the report of the route enquiry officer there is no objectionable overlapping with any of the notified sectors.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.17

Heard. This is an application for fresh S/C permit to operate on the route Randathani–Vettichira-Kadampuzha-Puthanathani-Tirur-KoottayiAzhimugham (via) Chelakuth, Muyangani, Pilathara, Mochikkal, Variyath, Kuruka, Kadungathukunde, Iringavoor, Payyanangadi, Ezhur, Vairankode, Pattarnadakkavu, Bavappadi, Thazheppalam, Pookayil, Unniyal, Paravanna, Koottayi, MangalamKadavu, Mangalam, Alathiyoor and B P Angadi as Ordinary Service. As per the report of the route enquiry officer, there is overlapping with the notified route published vide G.O. (P) No.42/2009/Tran dtd

14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017, from Vettichira to Puthanathani in a distance of 2.5 Kms; Rndathani to Moochikkal for a distance of 0.4 Km; and also from Alathiyoor to Pookkayil – 8.1 Km as per Ponnani – Chelari Scheme. The route enquiry officer submitted that none of these overlapping were not objectionable as per the said notifications.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.18

Heard. This is an application for regular Stage Carriage permit to operate on the route Kuttippuram – Tirur- Puthanathani – KoottayiAzhimugham – Edachalam (via) Thirunavaya, South Pallar, Kolupalam, B P Angadi, Thazheppalam, Tirur, Ezhur, Vairankode, Patternadakkavu, Bavappadi, Codakal, Thuprangode, Alathiyoor, Mangalam, MangalamKadavu, Koottayi with halt at Thirunavaya as Ordinary Service. As per the report of the route enquiry officer, there is an overlapping from Alathiyoor to Thazheppalam for a distance of 6.4 Kms vide G.O. (P) No. 79/2015. He has further reported that there is no violation of Clause 5(c). The secretary RTA has further submitted that as per the direction of STAT M.P. No. 523/2017 in M.V.A.A. No. 162/2017 Dtd. 21.07.2017 a temporary permit for 30 days has been issued on the above route.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.19

Heard. This is an application for regular Stage Carriage permit to operate on the route Olipram-Kadalundi-MeleChelari-Neerolpalam-Kunnumpuram (via) Athani, Kottakkadavu, Parambathkadavu Temple, Kadakkattupara, Chettiyarmadu,

University, Kohinoor, Devathiyal, Parambilpeedika, Kadappadi, Karuvankallu, Thottasserriara, return from Kunnumpuram via. Sidheequabad as Ordinary Service. As per the report of route enquiry officer, the route is inter-district and there a portion of the proposed route is passing through the jurisdiction of neighboring RTA, Kozhikkode. There is also an overlapping of notified route from Chettiyarmadu to Kohinoor.

Since the route passes through the jurisdiction of neighboring RTA, this authority is of the opinion that a concurrence from Sister RTA, Kozhikkode is highly essential to take a right approach on this application as per Rule 171 of Kerala Motor Vehicle Rules 1989. Hence Secretary, RTA is directed to seek concurrence from Sister RTA, Kozhikkode on this application and submit before this authority. Hence, decision on this application is **adjourned**.

Item No.20

Heard. This is to peruse the directions contained in Judgment from Hon. High Court of Kerala in WP(C) No. 20511 of 2017 Dtd. 28.06.2017 and also to consider the application for regular Stage Carriage permit to operate on the route ChunkamVyavasaya Office-Muttippalam-Perimbalam-Kottakkal (via) Karathode, Panakkad, Pattarkadavu, Malappuram, Vadakkemanna, Urdu Nagar, Munduparamba, Irumbuzhi, Panayi, Ponmala, Manoor, Othukkungal, Cherukunnu, Othukkungal Govt. High School with ChunkamVyavasaya Office- Vengara 2 single trips via. Venkolam and return via. Karimbil – Halt at ChunkamVyavasaya Office as Ordinary Service.

As per the report of route enquiry officer, there is 2.3 Kms overlapping with notified route (Malappuram Kizhakkethala Signal Junction to Malappuram Up-Hill 1.7 Kms; and from Collector's Bungalow to Kunnummel – 0.6 Kms); which is not objectionable as per vide G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017.

In the open hearing of this authority learned counsel from the Road Transport Corporation vehemently objected the issuance of this permit stating that the proposed time schedule having lesser round. This dubious method is adopted in order to circumvent the notified scheme. As per the dictum laid down by the Hon. High Court in WP(C) No. 9489 of 2015 Binu K.B. v/s. RTA Thrissur providing only one trip to avoid permissible overlapping is not admissible.

This authority has considered the objections in its individual merits as per law and it is observed that the permit holder has offered only single trips to

1. Chunkam Vyavasaya Office – Malappuram via. Pakkad;
2. Malappuram – Chunkam Vyavasaya Office via. Panakkad;
3. Malappuram – Kottakkal via. Ponmala;
4. Malappuram – Kottakkal via. Panakkad;
5. Chunkam Vyavasaya Office – Vengara via. Venkolam;
6. Vengara – Chunkam Vyavasaya Office via Karimbil

The permit holder himself stated in the application that Chunkam Vyavasaya Office – Malappuram has got no direct bus services. Still he has offered only single early morning and last trips to these ill served areas.

This authority also feels that operating single trips to the above said routes will not be beneficial to the travelling public.

Total route length of the proposed route is 53.40 Kms. And the overlapping with notified route is 2.3 Kms. Thus there is good and sufficient reason to believe that the objection raised by KSRTC is sustainable and we are of the opinion that these namesake single trips are to escape from the effect of notification. Thus, in order to comply the directions contained in the Judgment from Hon. High Court of Kerala in WP(C) No. 20511 of 2017 Dtd. 28.06.2017, this authority **rejected** the application for regular stage carriage permit.

Item No.21

Heard. This is an application for regular Stage Carriage permit to operate on the route Kottakkal – Kunnumparam – Puthuparamba-Vengara-Pakkadapuraya-Parappanangadi-Attathangadi (via) Iringallur, Vengara, Cherur, Achanambalam, Tharayittal, Mini bazaar, ManhemadPalam, Karattangadi, Nottappuram, Gandhikkunnu, Parappanchina, Balanpeedika, Pakkadappuraya, Madamchina, Kooriad, Kakkad, PSMO College Thirurangadi, Chemmad, Murikkal, Kacherippadi, halting trip from Vengara via. Cherattuparamba, Karathode, MLA Padi, Thayyilkadavu, Moolaparmba, Musiliyarangadi, Othukkungal, Cherukunnu as Ordinary Service. This authority has considered the application and verified the connected records and documents. Route Enquiry Officer has submitted that there is an overlapping with the notified route from Chemmad to Kakkad for a distance of 3 Kms and the same is not objectionable as per G.O. (P) No.42/2009/Tran dtd

14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017 since the total route length is 68.2 Kms. There is virgin portion from Nottappuram to Parappanchina via Gandhikkunnu (2.00 Kms) is virgin. Secretary, RTA has submitted that the road fitness certificate from Vengara Panchayath has not been obtained. Fare stages for the virgin portion fixed by the Enquiry Officer and published the same along with the agenda, since there is no objection on the same, fare stages fixed and published is approved. Secretary, RTA is directed to obtain road fitness certificate from concerned authorities and produce before this authority.

Hence the decision on this application is **adjourned**.

Item No.22

Heard. This is an application for fresh S/C permit to operate on the route Kottakkal – Puthuparamba-Vengara (via) Chankuvetti, Chodalapparamba, Puthuparamba, Karattangadi, ManhemadPalam, Mini Bazar, Puthanangadi, Kacheripadi and also via Tharayittal and halt at Puthuparamba as Ordinary Service. As per the report of the route enquiry officer, there is an overlapping with the notified route published vide as per G.O. (P) No.42/2009/Tran dtd 14/07/2009 and further modified by G.O. (P) No.08/2017/Tran dtd 23/03/2017 from Chankuvetti to AVS College Junction for a distance of 0.5 Kms and which is not objectionable.

In this context, regular permit is **granted** subject to settlement of timings and the applicant is directed to produce the current records of a suitable stage carriage as specified under the decision of State Transport Authority held on 14.06.2017 in Departmental Item – 2 within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.23

Heard. This is an application for regular Stage Carriage permit to operate on the route Akkumpar-KaradSchoolpadi (via) Kavungal, Poongode, Karthieni, Thachankode, Vaniyambalam, Wandoor, Shariyil Road, Nayattukallu, Vellambram Rly Gate, Palemadam and also via Kayattam, with Wandoor – Emangad 4 single trips (via) Vaniambalam, Thachankode and Parakkulam and Wandoor – Pookkottumpadam 2 single trips via. Amaramblam and Wandoor –ThaliyamkunduMillumpadi 2 single trips via.Vaniyambalam and Thaliyamkundu as Ordinary Service.

However in the open hearing of this authority, the applicant was absent and hence the decision on this application is **adjourned**.

Item No.24

Heard the learned counsel.

This is to re-consider the application for variation of permit in respect of the Stage Carriage KL 55 H 5670 on the route Chalisseri - Valanchry . The permit holder applied for providing extension from Moodal to Karthala Chungam (4 single trips) by curtailment Moodal to Valanchery on the existing regular route without changing existing timings.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all roués of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routs.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation

cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**

Item No.25

Heard the learned counsel.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 58 D 5857 on the route Pothanoor-Kottakkal Touching Ponnani. Regular Permit 10/549/1998 valid up to 30/06/2018. The permit holder applied for changing of halting place from Pothanur to Thirunnavaya Temple by curtailment of trip from Edappal to Pothannur and by providing additional trip between Edappal and Thirunavaya Temple via Kuttippuram on the existing regular route.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.26

Heard the learned counsel.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 55 P 7159 on the route Mangalamkadavu-Chemmad. Regular Permit 10/10/2006 valid up to 24/02/2021. The permit holder applied for additional trip between Tirur and Pandimuttam via Vailathur , Parapparpuram and Theyyala (up and down) in the morning without curtailment on the existing regular route.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala. As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala. As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.27

Heard the learned counsel.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 11 AZ 7550 on the route Pulliparamba-Vengara. Regular Permit 10/118/2001 valid up to 18/01/2019. The permit holder applied to extend 2nd single trip from Melechelari so as to touch Irumpothinkadavu (via) Chenakkalangadi and Kolathode without curtailment on the existing regular route.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.28

Heard the learned counsel.

To consider the application for variation of permit in respect of the Stage Carriage KL 10 P 3360 on the route Kaloor-Theyyala. Regular Permit 10/8360/2006 valid up to 18/12/2021 The permit holder applied FOR REGULAR VARIATION FROM Kaloor to purathur-10 single (3 Km) –on the existing regular route Kaloor-Theyyala (via) Purathur High Scholl Kavilakkad Maravantha, Mangalam Pullooni Alithiyur, Tirur Mochikkal Kalad Moolakkal Tanur Pandimuttam Manalippuzha Parapparappur Mannarakkal Athani Vylathur and Chamravattom as Ordinary services.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.29

Heard the learned counsel. This is to consider the application for variation of permit in respect of the Stage Carriage KL 55 A 6209 on the route Kallingal - Chemmad Touching Kavilakkad. Regular Permit 10/866/2001 valid up to 19/04/2021. The permit holder applied regular variation from Chamravattom Maveli-Purathur-Kavilakkad having a distance of 7 kms and pandimuttam Tirur (via) Tanalur having a distance of 10 kms. on the existing regular route Kallingal-Chemmad Kavilakkad Valanchery.

Curtailment from Pandimuttam to Tirur via Tanur having a distance of 15 Kms. instead of curtail the portion from Pandimuttam to Tirur take regular variation from Chamravattom Maveli -Purathur Kavilakkad having a distance of 7 kms and pandimuttam -Tirur via tanalur a distance of 10 kms

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any

circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.30

Heard the learned counsel.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 06 C 4588 on the route University - Vengara - Manhengara This is an application for variation of permit conditions. Regular Permit 10/1680/2015 valid up to 12/04/2020. The permit holder applied for extension from Vengara to Kottakkal 3 single trips via Areekkulam, Puthanangadi, Puthuparamba, and Chankuvetti and one single trip Via Iringallur without curtailment with time changes on the existing regular route.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.31

Heard the learned counsel.

This is to reconsider the application for variation of permit in respect of the Stage Carriage KL 55 T 9100 as per WP (C) No 16968 of 2017(u) of the Hon High Court of Kerala dtd 29/06/2017 on the route Kottakkal-Purathur.

Regular Permit 10/816/2005 valid up to 14/04/2020. The permit holder applied to regular variation from Tirur to Kuttippuram via Alathiyur , Thrippangode, and Thirunavaya (20 kms) on the existing regular route Kottakkal –Purathur via Kozhichena , Karinkapara , Vylathur ,Tirur ,BP Angadi Alathiyur Alungal Mangalam and halt at Karingappara

This authority has considered the application, verified the report of the enquiry officer and examined the connected files in detail. Perused the directions contained in the Judgment of Hon. High Court of Kerala. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.32

Heard the learned counsel. This is to re-consider the application for variation of permit on the basis of STAT Judgment MVAA No 62/2016 dated 14/07/2017 in respect of the Stage Carriage KL-10 Z 4021 on the route Mankeri- Puthanathani. Regular Permit 10/11/2003 valid up to 01/01/2018. The permit holder applied for to provide 4 additional single trips in between Edachalam and Persannoor for extending trips from Edachalam to Perasannoor and revision of timings on the existing regular route.

This authority has considered the application, verified the report of the enquiry officer and examined the connected files and also perused the directions contained in the Judgment of STAT in detail.

However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that the same cannot be granted as per the directions contained in notification G O (P) No. 8/2017/Tran Dtd. 23.03.2017.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.33

Heard the learned counsel.

This is to consider the application for variation of regular permit for curtailment of the portion of the route from Palakkad to Walayar so as to operate Limited Stop service on the Palakkad- Kozhikode route in compliance to Government order 8/2017/Trans dtd 23.03.2017

The Stage Carriage KL 51 E 7200 is operating on the route of Walayar-Kozhikode as LSOS. Regular permit (10/66500/04) expired on 04.11.2015 and renewal pending in office for concurrence from sister RTA's. And its having Temp Pt U/s 87(1)d upto 09.09.2017 and the regular permit is renewable. The permit holder applied for for variation of regular permit for curtailment of the portion of the route from Palakkad to Walayar so as to operate Limited Stop Ordinary service on the Palakkad- Kozhikode route in compliance to Government order 8/2017/Trans dtd 23.03.2017.

The matter was enquired through MVI Malappuram and he has reported that the variation is only for curtailment from Palakkad to Walayar. No new portion is originated. Hence due to Variation there is no overlapping on notified routes. Existing route from Kozhikode to Palakkad (137 KM) overlaps with the notified route.

In this circumstances in obedience to the directions contained in the final notification published as per Government order 8/2017/Trans dtd 23.03.2017, variation is **granted**. Further, the Secretary RTA is directed to place application for renewal of permit with varied route for the above said vehicle in the next RTA.

Item No.34

Heard the learned counsel.

This is to consider the application for variation of regular permit for curtailment of the portion of the route from Wadakkanchery to Thrissur so as to operate Limited Stop service on the Wadakkancherry-Kozhikode route in compliance to Government order 8/2017/Trans dtd 23.03.2017. The Stage Carriage KL 08 BE 2700 is operating with RP (10/10517/00) valid up to 23.02.20 on the route Wadakkanchery-Thrissur-Kozhikode. Regular permit (10/10517/00) valid up to 23.02.2020. The permit holder applied for variation of regular permit for curtailment of the portion of the route from Wadakkanchery to Thrissur so as to operate Limited Stop service on the Palakkad Kozhikode route in compliance to Government order 8/2017/Trans dtd 23.03.2017.

The matter was enquired through MVI Malappuram and he had reported that Curtailment of 24 Kms from Thrissur to Wadakkanchery in 1st and last trips. Curtailment portion from Thrissur to Wadakkanchery Via Karumathara Punnamparambu Kundukara and Ramavarmapuram which is less served area.

In this circumstances in obedience to the directions contained in the final notification published as per Government order 8/2017/Trans dtd 23.03.2017, variation is **granted.**

Item No.35

Heard the learned counsel. This is to peruse the Judgment of Hon High Court of Kerala in WP(C) No 18813/2017 dtd 21/06/2017 for re considering the application for variation of regular permit in respect of the stage carriage KL-10-P-5307 on the route Mavoor-Edavannappara- Elamaram.

This is an application for variation of permit conditions so as to provide 6 additional single trips on the Mavoor-Edavannappara sector and for deviating return single trips from Elamaram to Edavannappara(via) Konnamakham, Cheruvadikadavu ,Vettathur and Erattamuzhi on the existing route. The application was considered and rejected by the RTA Board meeting 21-05-2015 vide item no.76 on the ground that the route curtailment will adversely affect the travelling public. The vehicle has an outstanding tax arrears for the period 01-07-2015 to 30-06-2016 and Revenue Recovery steps initiated.

This authority has perused the directions contained in the Judgment of Hon. High Court of Kerala, considered the application, verified the report of the enquiry officer and examined the connected files in detail.

The Secretary, RTA has further submitted that the tax for the vehicle S/C KL 10 P 5307 is became arrear for the period 01-07-2015 to 30-06-2016 and RTO Kozhikkode has seized the vehicle on 27-06-2016 and is kept at Chevayur testing ground. Several notices has been sent to the applicant demanding the arrear amount. Though the demand notice acknowledged by him, did not remitted the arrear. Consequently Revenue Recovery Steps has been initiated against the applicant (Regd. Owner of KL 10 P 5307).

However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all roués of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that the same cannot be granted as per the directions contained in notification G O (P) No. 8/2017/Tran Dtd. 23.03.2017.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Further the vehicle is having huge tax arrears and the Secretary, RTA is directed to expedite the revenue recovery procedures at the earliest.

Item No.36

Heard the learned counsel. This is an application for variation of permit conditions. The stage carriage KL-10-AD-7675 having permit no. 10/832/2002 valid up to 23/07/2017 is operating on the route is operating on the route Kottakkal-Malappuram. The permit holder of the S/C KL-10-AD-7675 has applied for variation

of permit so as to deviate 4 single trips via Cherukunnu instead of via Atteeri on the Kottakkal-Othukkungal sector and curtailment of kottakkal –Mattathur 2 single trips and change of halting place from Kottakkal to Chungam vyavasaya kendram by extending the route from Panakkad to Chungam Vyavasaya kendram via Karathode on the existing route.

The application was placed before the RTA board meeting held on 21-05-2015 vide item no.71 and rejected the application. Against this decision the applicant has filed appeal in Hon. STAT and in the judgment Hon. STAT in MVAA No 71/2016 dtd 31-05-2017 directed to reconsider the rejected variation application.

This authority has re-considered the application, perused the directions contained in the Judgment of Hon. STAT, verified the report of the enquiry officer and examined the connected files in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.37

Heard the learned counsel.

This is an application for variation of permit conditions also to peruse the order of Hon. STAT in MVAA No. 167/2016 dtd 03-08-2017 to consider afresh the application for regular variation of service in r/o the stage carriage KL-10-AR-1644 operating on the route Areacode - Kozhikkode. The permit holder of the S/C KL-10-AR-1644 has applied for variation of permit so as to re-arrange 2 single trips between Areacode and Edavannappara and for changing existing timings without curtailment on the existing

regular route. The application was rejected by this authority held on 11.07.2016 vide item no. 97. Against this decision, the applicant filed appeal Vide No. MVAA No.167/2016 in Hon STAT has directed this authority to re-consider the application and to take a fresh decision.

This authority has considered the application, perused the directions contained in the Judgment of STAT, verified the report of the enquiry officer and examined the connected files in detail.

However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.38

Heard the learned counsel. To Peruse the Judgment in MVAA No. 57/2017 of the Hon. STAT dated., 22.07.2017 and to re-consider the application for variation of permit in respect of the Stage Carriage KL 10 R 1112 (replaced by KL 14 F 4005 on 03/12/2016) on the route Wandoor -Mukkam . Regular Permit 10/618/1997 valid up to 31/08/2017. The permit holder applied for Extension From Mukkam to Thamarassery on the existing regular route

This authority has considered the application; directions contained in the Judgment of Hon. STAT, verified the report of the enquiry officer and examined the connected files

in detail. However, Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

Learned Counsel for KSRTC also placed vehement objections against the issuance of this variation.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.39

Heard the learned counsel. This is to Peruse the Judgment in M.V.A.A No.168/2016 of the H'ble STAT, of Ernakulam and to re-consider the application for regular variation of service in r/o the stage carriage KL-11-Y-1089 operating on the route Kondotty-Kozhikkode. The permit holder of the S/C KL-11-Y-1089 has applied for variation of permit so as to rearrange 2 single trips between Areacode and Mundumuzhi for changing operating time for providing trips during night time without curtailment on

the existing regular route. This authority has considered the application, perused the directions contained in the Judgment of Hon. STAT, verified the report of the enquiry officer and examined the connected files in detail.

Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads “the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.” Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala.

As per Clause 5 (c) of the notification, existing operators in the private sector as on 14.07.2009 are allowed to operate subject to modified clause 4 and 5 (b). Further, fresh permits will be granted to private stage carriages of other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes.

As per clause 19 of the above notification, The State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each of the notified routes.

From the above clauses of the notification, variation of existing permits cannot be granted to the stage carriages operating presently in the state of Kerala.

In these circumstances, application for variation as requested above is considered and we are of the opinion that this is a saved permit and hence the proposed variation cannot be granted under any circumstances as per the directions contained in the above mentioned sections of the notification G O (P) No.8/2017/Tran Dtd. 23.03.2017. Hence the application for variation of permit condition is **rejected**.

Item No.40

Heard. This is to consider the application for renewal of stage carriage permit (10/81050/2001) valid up to 29/10/2016 in respect of stage carriage KL 10 AF 2936 on the route of Kuttipuram-Kozhikode Medical College as LSOS.

The matter was earlier considered by this authority in its sitting held on 25/10/2016 vide item no 67 and directed the Secretary, RTA to renew the permit or to seek concurrence from Sister RTA Kozhikkode after verifying the route length in the

neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21. As per the decision of this authority held on 25/10/2016 departmental item no 1, report has received from the circle officer and he has reported that the route length from Idimuzhikkal to Kozhikkoe is 23.5 km and the overlapping with the notified sector is not objectionable. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 2001. The route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted**.

Item No.41

Heard. This is to consider the belated renewal of permit application submitted by the R/O of the S/C KL 11 AA 5023 (previously KL 10 M 9149) on the route Purathur - Parappanangadi. The permit no.10/824/1997 was expired on 26/08/2012. Even though the permit was expired on 26/08/2012 the renewal application has been received on 14/08/2012 for the vehicle KL 10 M 9149. The renewal of permit was not endorsed to the said vehicle, since the vehicle was reported to be in G-Form due to mechanical failure.

Again, on 19/08/2017 the permit holder submitted another application for renewal of permit vide receipt no 10/142065/2017 dtd 19/08/2017 with respect to the vehicle KL 11 AA 5023. This authority has considered the application and verified connected files in detail.

The permit was previously endorsed to KL 10 M 9149 and it is understood from files that the permit is replaced to KL 11 AA 5023 after the expiry of the validity of the permit. However the agenda and notes submitted by the Secretary, RTA is not complete and sufficient to take a right approach to this application.

Hence directed the Secretary, RTA to submit a detailed report with complete history of the permit file and the application and place before the next RTA.

Hence decision on this application is **adjourned**.

Item No.42

Heard. This is to Consider the application for the belated application for the renewal of Stage Carriage Permit in respect of the vehicle KL 17 A 3132, operating on the route Kondotty- Areacode vide Permit vide 10/129/2002, valid from 14.06.2012 to 13.06.2017. The Permit holder applied for renewal of permit for further period of 05 years on 06.07.2017, which was not in time. An amount of Rs. 3000/- was compounded for permit-less operation and the applicant has paid the same vide receipt no. 10/123172/2017. The Permit Holder has produced a Medical Certificate for the delay in submitting the application for renewal and requested to condone the delay occurred. The Vehicle is not having any hypothecation and no departmental action is pending. This authority feels that there is good and sufficient reason to condone the delay occurred for submitting the renewal application and thus delay is condoned. Further, renewal of permit is **granted** subject to the conditions stipulated in G O (P) No. No.42/2009/Tran dtd 14/07/2009 and G O (P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes.

Item No.43

Heard.This is to consider the application for the belated application for the renewal of Stage Carriage Permit in respect of the vehicle KL 13 K 7039, operating on the route, Areacode-Edavannappara, vide permit no. 10/683/2000, valid from 08.06.2012 to 07.06.2017. The Permit holder applied for renewal of permit for further period of 05 years on 30.05.2017, which was not in time. The Permit Holder has produced a Medical Certificate for the delay in submitting the application for renewal and requested to condone the delay occurred. The Vehicle is not having any hypothecation and no departmental action is pending. This authority feels that there is good and sufficient reason to condone the delay occurred for submitting the renewal application and thus delay is condoned. Further, renewal of permit is **granted** subject to the conditions stipulated in G O (P) No. No.42/2009/Tran dtd 14/07/2009 and G O (P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes.

Item No.44

Heard.This is to consider the application for the renewal of Stage Carriage Permit in respect of the vehicle KL 58 B 6687, operating on the route, Angilangadi – Kozhikkode Medical College as LSOS, vide Permit vide 10/657/2003, which was valid from 17.09.2011 to 16.09.2016. As per the decision of this authority held on 25/10/2016

departmental item no 1, report has received from the circle officer and he has reported that portion of the route in 23.5 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 2003. The route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted**.

Item No.45

Heard. This is to Consider the application for the renewal of Stage Carriage Permit in respect of the vehicle KL 10 Q 3358, operating on the route, Vazhikkadavu – Kozhikkode as ordinary service vide Permit vide 10/6400/1996, which was valid from 17.12.2011 to 16.12.2016. The application for renewal permit is in time. A portion of the Route lies under the jurisdiction of RTA, Kozhikode. Hence, obtained report from Secretary RTA, Kozhikode, which reveals that a distance of 38 Kms, lies under jurisdiction of that Office jurisdiction, out of which 2.2 Kms comes under notified sector.

Report has received from the circle officer and he has reported that portion of the route in 38 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 1996. The route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted**.

Item No.46

Heard. This is to Consider the application for the renewal of Stage Carriage Permit in respect of the vehicle KL 10 Q 4252, operating on the route, Kerala Estate – Thamarasseri vide Permit vide 10/109/1997, which was valid from 11.09.2012 to

10.09.2017. The Regular Permit is valid from 11.09.2012 to 10.09.2017. The application for renewal of permit is in time.

Report has been received from the circle officer and he has reported that portion of the route in 22.5 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 1997. The route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted.**

Item No.47

Heard. This is to peruse the Judgment from the Hon. High Court of Kerala in WP(C) No 21915/17 dtd 04.07.2017 and to consider the application for granting renewal of stage carriage permit (10/570/94) valid up to 02.07.2017 in respect of stage carriage KL 09 W 8499 operating on the route of Palakkad-Kozhikode. This authority has perused the directions contained in the judgment for Hon. High Court of Kerala in WP(C) No 21915/17 dtd 04.07.2017.

Secretary, RTA is directed to **renew** the permit after getting an enquiry report from an officer not below the rank of a Motor Vehicle Inspector and verify whether the route objectionably overlaps with any of the notified routes as per directions contained vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017 or there is any other legal impediment to renew the permit and also subject to the clearance of Government dues and departmental actions if any.

Item No.48

Heard. This is to consider the belated application for renewal of stage carriage permit (10/510/97) valid up to 06.05.2017 in respect of stage carriage KL 9 P 2317 on the route of Muthukurusi-Thootha. As per the submission from the Secretary, RTA, the Stage Carriage is operating on the above intra-district route. The permit renewal application received from the above applicant on 25.07.2017, which is belated. A compounding fee of Rs. 3000/- was collected for permit less operation vide receipt no.118763/16 dtd. 25.07.2016. Permit holder has submitted a medical certificate for

condone the delay. No departmental action is pending as on date. This authority feels that there is good and sufficient reason to condone the delay occurred for submitting the renewal application and thus delay is condoned. Further, renewal of permit is **granted** subject to the conditions stipulated in G O (P) No. No.42/2009/Tran dtd 14/07/2009 and G O (P) No.08/2017/Tran dtd 23/03/2017 and also subject to the clearance of any departmental and clearance of Govt. dues, if any.

Item No.49

This is to consider the belated renewal of permit application submitted by the R/O of the S/C KL 10 R 1137 on 08-08-2017 to operate on the route Manjeri -Nilambur. The Permit -No.10/627/2002 - was valid up to 16-08-2017. The permit holder has submitted the renewal application on 08-08-2017, which is belated. A request for condone the delay with medical certificate is submitted by the applicant. As per the medical certificate, the applicant was under his treatment from 25-06-2017 to 15-07-2017 and advised to take rest from 16-07-2017 to 16-08-2017. This authority feels that there is good and sufficient reason to condone the delay occurred for submitting the renewal application and thus delay is condoned. Further, renewal of permit is **granted** subject to the conditions stipulated in G O (P) No. No.42/2009/Tran dtd 14/07/2009 and G O (P) No.08/2017/Tran dtd 23/03/2017 and also subject to the clearance of any departmental and clearance of Govt. dues, if any.

Item No.50

Heard. To consider the belated renewal of permit application submitted by the R/O of the S/C KL 10 AF 953 on 02-03-2017 to operate on the inter district route Vazhayoor - Kozhikkode – Edavannappara. The Permit -No.10/607/2002 was valid up to 10-03-2017. The Secretary, RTA has submitted that the application for renewal of permit was received on 02.03.2017. As per the report received from the field officer, the permit is valid from the year 2002 and the distance from Azhinjilam to Kozhikkode(18 km) is lying in Kozhikkode district. No objectionable overlapping for permit renewal in the notified schemes. Report has been received from the circle officer and he has reported that portion of the route in 18 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 2002. The route is not objectionably overlaps notified

schemes published vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted** subject to the NOC from the financier, clearance of Govt. dues and departmental actions, if any. This authority also feels that there is good and sufficient reason to condone the delay in submitting the application for renewal of permit.

Item No.51

Heard. This is to consider the application for renewal of the inter district permit of stage carriage KL 10 R 1968 permit No.10/684/1997 valid up to 27/11/2017 on the route Amayur-Thamarassery. The application for renewal is in time. Report has been received from the circle officer and he has reported that portion of the route in 22.5 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued in the year 1997. The route is not objectionably overlaps notified schemes published vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted** subject to the NOC from the financier, clearance of Govt. dues and departmental actions, if any.

Item No.52

Heard. This is to consider the application for renewal of the inter district permit of stage carriage KL 10 R 6230. Permit No.10/654/1996 valid up to 24-05-2016 on the inter district route Thamarassery-Mannarkkad as LSOS. The application was submitted in time and the same was placed before this authority held on 11-07-2016 Vide Item No.138 for the permission of seeking concurrence and as per the decision of this authority, concurrence are sought from Sister RTAs, Kozhikkode and Palakkad. Concurrence from RTA Palakkad is obtained. Report has been received from the circle officer and he has reported that portion of the route in 24.8 km passes through the jurisdiction of Sister RTA Kozhikkode and in which there is no objectionable overlapping with the notified sector. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and

connected file. The regular permit was issued in the year 1996. The route is not objectionably overlaps notified schemes published vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted** subject to the NOC from the financier, clearance of Govt. dues and departmental actions, if any.

Item No.53

Heard.This is to re-consider the application for the renewal of Permit in respect of stage Carriage KL 55 D 4786 operating on the route, Kolakuth-Kondotty as ordinary service vide Permit No. 10/138/2001/M, which was valid from 24.05.2011 to 23.05.2016. As per Section 81(2) of Motor Vehicles Act, application for renewal of Stage Carriage Permit has to be submitted 15 days before the expiry of the permit. The permit holder has failed to submit the renewal application in time. However, he has submitted an application to condone the delay. Hence, RTA, Malappuram held on 25.01.2017 as item No. 68, has considered the application and verified all relevant documents. In the open hearing, there was an objection filed by one Ms. Sheeba M.M., against this application with a copy of death certificate of Sri. Imbichutty, the applicant. In these, circumstances, the RTA adjourned the matter directing, Secretary, RTA, Malappuram to hear the objector and make an enquiry and submit a report.

A joint application was received on 19.02.2013 for transferring the Permit from the name of Sri. Imbichutty S/o Imbichi, MullasseryMuliyaparambil house, FerokeCollege P.O., Kozhikode to the name of Sri.ASharfPallimoolakkal, Variyath House, Vydyrangadi P.O., Kozhikode. The transfer of permit was granted by RTA, Malappuram in its meeting held on 23.07.2013 as item No. 64. Tax in respect of the stage Carriage KL 55 D 4786 was in arrears for the period from 01.04.2013 to 31.12.2016. The arrears was cleared for this period on 07.10.2016, vide T.L. No. 10/45480/2016. Also, the grantee requested to condone the delay that occurred in producing current records for the purpose of endorsing the granted Transfer of Permit. The request was allowed by the Secretary RTA, Malappuram, and clearance issued to RTO Kozhikode, for effecting Transfer of Ownership, since the grantee resides in that Office jurisdiction. The transfer of Ownership to the name of Sri.ASharfPallimoolakkal, Variyath House, Vydyrangadi P.O., Kozhikode, was effected

with effect from 23.09.2016, by the Secretary RTA, Kozhikode. Accordingly, Transfer of Permit was issued to the name of Sri. AsharfPallimoolakkal, Variyath House, Vydyrangadi P.O., Kozhikode, as on 30.12.2016.

Meanwhile, the regular permit of the Stage Carriage KL 55 D 4786 was expired on 24.05.2016, and renewal is pending for consideration as above. The vehicle was issued with Temp. Permit u/s 87(1)d for the period up to 28.08.2017.

Since, renewal of Permit was pending, the matter was placed before the RTA, Malappuram held on 25.01.2017 In pursuit of the Decision of RTA dated, 25.01.2017 as item NO. 68, the objector, Ms. Sheeba M.M was heard on 16.08.2017. She has stated that the Stage Carriage, KL 55 D 4786 was in the name of her father, Sri. Imbichutty, who expired on 15.11.2016. She is not able to identify the signature her father. The vehicle has arrears of Welfare Board premium. She has alleged that the Ownership of the vehicle was transferred without the knowledge of her father and that she is not aware of the transfer of permit application submitted in 2013, in respect of the vehicle.

Now, also, Smt. Sarala.M, W/o Imbichutty S/o Imbichi, MullasseryMuliyaParambil house, Feroke College P.O., Kozhikode, has submitted an objection alleging that the Stage Carriage KL 55 D 4786, which was registered in the name of her husband, Imbichutty (Late), is illegally possessed by Sri. ASharfPallimoolakkal, Variyath House, Vydyrangadi P.O., Kozhikode. She has requested detailed enquiry in this regard.

This authority has considered the matter in detail. Heard the learned counsel.Verified the connected files. The application is for the renewal of permit of the said vehicle and also to condone the delay in submitting the application for renewal of permit. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. This authority feels that there is good and sufficient reason to condone the delay occurred for submitting the renewal application and thus delay is condoned. The regular permit was issued in the year 2001. The route is not objectionably overlaps notified schemes published vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the existing route. Hence renewal of regular permit is **granted** subject to the NOC from the financier, clearance of Govt. dues and departmental actions, if any.

The objection raised is against the decision of this authority taken in its sitting on 23.07.2013 as item No. 64. This authority is of the opinion that this is not a good and sufficient reason to review a previous decision taken by this authority and hence the objections raised in this regard were over-ruled. However the objector is free to approach any of the appellate authorities.

Item No.54

This is to consider the application for transfer of the Stage Carriage Permit on death of the Permit Holder, in respect of the Vehicle bearing Registration No. KL 55 T 1596 having Regular Permit 10/815/2006 valid from 14/08/2012 TO 13/08/2017 on the Route Puthanathani – Tirur.

Heard the learned counsel. Transfer of permit by death is **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 55

Heard.

1. This is to consider the renewal of permit application submitted by the registered owner of the S/C KL 55 8440 on the route Ozhur – Kavalakkad. The permit No. 10/829/2003 was expired on 06/01/2016 and renewal application is in time and is pending. Further,

2 To consider the replacement application of the s/c KL 55 8440 to the same vehicle vide No. 10/829/2003 was expired on 06/01/2016 which is under suspended animation w.e.f 25.03.2013 as per the Judgment of Hon. High Court of Kerala in WP(C) No. 4953/2013 Dtd. 20.02.2013. The permit holder has applied for replacement of the permit with the stage carriage KL 55 8440 on 27.07.2017.

This authority has considered the application and verified the connected documents in detail. The permit is expired when the vehicle attached to it is removed before its renewal. Even though the renewal of application is placed in time, without a vehicle, the said application is not valid and maintainable and thus the permit is expired on 06.01.2016. This authority is of the view that there is no need to condone the delay occurred for replacing the permit with a suitable vehicle to keep the permit alive for the benefit of traveling public.

In this context, this authority has also referred the observations made by Hon. High Court in a similar case in WP (C) No. 24250 of 2015 Dtd. 07.09.2015. By interpreting

Rule 172 (2), Hon. Court has observed that 'No application for renewal of permit would lie without the registration mark of the vehicle to be covered by the permit'. Hence even the very application for renewal submitted by the applicant is not maintainable at present. The validity of the regular permit attached to the stage carriage was expired on 06.01.2016 and the applicant is ceased to be a holder of a regular permit thereafter.

Thus the applicant has intentionally missed the opportunity for renewing his permit. Similarly, as per Section 83 of Motor Vehicles Act, 1988, only a holder of permit can apply for permission of the Regional Transport Authority to replace the vehicle covered by the permit by another stage carriage. In the light of the above findings and observations, this authority is of the view that there is no necessity to condone the intentional negligence and laxity of the applicant to operate a stage carriage this is against the provisions of KMVR 152. Hence this authority **rejected** the application for renewal and replacement.

Item No.56

Heard. This is to consider the belated renewal of permit application submitted by the R/O of the S/C KL 11 X 9520 on 25/07/2017 on the route Tirur – Chemmad. The permit(no.10/832/2002 was expired on 04/08/2017. However, the permit holder has submitted the renewal application on 25/07/2017, which is belated. Hence renewal of regular permit is **granted** subject to

- 1) obtain a request from the permit holder stating the reason for delay in submitting the application.
- 2) report from the MVI to check whether there is any legal impediment in renewing the permit
- 3) NOC from the financier, clearance of Govt. dues and departmental actions, if any.

Item No.57

Heard.This is to consider the replacement application submitted by the permit holder of the S/C KL 55 A 2922 on the route Tirur – Kozhikkode. The permit No. 10/811/1994 was expired on 27/04/2014 which is under suspended animation and renewal application has placed before RTA 28/05/2014 vide item no 73. The renewal application was submitted on 25/04/2014. The delay occurred in filing application for renewal was condoned in RTA Malappuram held on 28/05/2014 vide item no 73 and

secretary RTA is allowed to seek concurrence from sister RTA Kozhikkode. The existing route overlaps with notified sector on Ponnani-Chelari route.

On verification of connected files, the permit holder applied for clearance for the vehicle KL 55 A 2922 on 16.04.2015 as per WP(C) No. 1017 of 2015. The applicant has not applied for a replacement within the stipulated time period of four months. Without a valid ready vehicle, the permit itself is not effective and it can be considered as an expired permit.

An operator of KL 10 AJ 8405 has applied for temporary permit in the lapsed vacancy of the above permit and the same was rejected by the Secretary, RTA. Against the rejection, the owner of the above vehicle, Mr. Abdul Latheef, has produced a Judgment from Hon. STAT in M.P. No. 830/2015 in MVAA No. 251 of 2015; Dtd. 19.11.2015 and Hon. STAT has allowed the request for 20 days in the vacancy of this permit in 87(1) c. Meanwhile, on 06.10.2016, the holder of the expired permit and the registered owner of KL 58 5455 has submitted an application for replacement of permit attached to KL 55 A 2922 which is expired on 28.05.2014. He has also submitted an application for temporary permit u/s 87(1) and the same is issued.

We have considered the application for renewal and replacement in detail. The permit is expired since the vehicle attached to it is removed before its renewal. Also, this is against the provisions contained in KMVR 152. This authority is of the view that there is no need to condone the delay occurred for replacing the permit with a suitable vehicle to keep the permit alive for the benefit of traveling public.

In this context, this authority has also referred the observations made by Hon. High Court in a similar case in WP (C) No. 24250 of 2015 Dtd. 07.09.2015. By interpreting Rule 172 (2), Hon. Court has observed that 'No application for renewal of permit would lie without the registration mark of the vehicle to be covered by the permit'. Hence even the very application for renewal submitted by the applicant is not maintainable at present. The validity of the regular permit attached to the stage carriage was expired on 27.04.2014 and the applicant is ceased to be a holder of a regular permit thereafter.

Thus the applicant has intentionally missed the opportunity for renewing his permit and this is against the provisions of KMVR 152. Similarly, as per Section 83 of Motor Vehicles Act, 1988, only a holder of permit can apply for permission of the Regional Transport Authority to replace the vehicle covered by the permit by another stage

carriage. In the light of the above findings and observations, this authority is of the view that there is no necessity to condone the intentional negligence and laxity of the applicant to operate a stage carriage. Hence this authority **rejected** the application for renewal and replacement.

Item no.58

Heard. This is to consider the

1) renewal of permit application submitted by the R/O of the S/C KL 10 M 2745 on the route Tirur – Chemmad. The permit NO : 10/823/1997 was expired on 22/08/2017 and renewal application is in time and is pending; and the permit is under suspended animation.

2 To consider the replacement application of the s/c KL KL 31 B 5393 to conduct the service on the route Tirur – Chemmad. Regular Permit vide No. 10/823/1997 was expired on 22/08/2017 and which is under suspended animation.

This authority has considered the application and verified the connected documents in detail.

The regular permit in respect of this Stage Carriage is under suspended animation as per the order of Honorable High Court of Kerala. The permit holder is supposed to replace the permit within four months. But he has not applied for the vehicle replacement in the stipulated time. On 01.08.2017 Permit holder submitted the application for renewal of permit and replacement of same Stage Carriage KL 31 B 5393. Renewal application was on time. In the light of the above observations, this authority:

- 1) **Allowed** the replacement of permit with the same vehicle KL 31 B 5393
- 2) Directed the Secretary, RTA to renew the permit subject to the report from the MVI, production of NOC from the financier, if applicable and also subject to the clearance of Govt. dues, if any.

Item No.59

Heard. This is to peruse the Judgment in WP(C) No.19621 of 2017 dtd 14.06.2017 from the Hon. High Court of Kerala and to review the decision of the RTA Malappuram vide circulation dtd 20.03.2017 for renewal of regular permit in respect of the Stage Carriage KL 08 BE 2700 on the route of Wadakkanchery-Kozhikode as LSOS subject to condition that the permit granted so shall be valid in any other region if counter signed by RTA of that region.

The Stage Carriage KL 08 BE 2700 covered by a regular permit (10/10517/2000) on the route of Wadakkanchery Kozhikode as LSFP. Renewal of permit application and Variation of permit for the conversion of service from LSFP to LSOS as per GO(MS) 45/15/Trans dtd 20.08.2015 were considered by this authority vide circulation on 20.03.2017. The decision was: The conversion of the class of service from LSFP as LSOS and renewal of permit as LSOS are granted subject to issue of rate of fare as prescribed by the Government for ordinary service, detailed list of fare stages and approved stops, the decision STA on the on the age of the buses for being operated as LSOS and also subject to counter signatures of all Sister RTA's concerned. On 04.07.2017 the Permit holder submitted a Judgment from the Hon'ble High Court of Kerala in WP(C) No. 19621 of 2017 dtd 14.06.2017 which directs the Secretary RTA to consider the request submitted by the permit holder to remove the condition for obtaining counter signature from other Sister RTAs concerned.

Perused the directions contained in the above said Judgment. Secretary, RTA is directed to **renew** the permit after getting an enquiry report from an officer not below the rank of a Motor Vehicle Inspector and verify whether the route objectionably overlaps with any of the notified routes as per directions contained vide G O (P) No. No. 42/2009/Tran dtd 14/07/2009 and G O (P) No. 08/2017/Tran dtd 23/03/2017 or there is any other legal impediment to renew the permit and also subject to the clearance of Government dues and departmental actions if any.

Item No.60

Heard.To consider the application for keeping the stage carriage bearing registration No. KL 10 Z 5669 as Reserve Bus to eight Regular Permit stage carriage permits of the same owner. This authority has considered the application and granted the request of the permit holder to keep the stage carriage KL 10 Z 5669 as reserve bus.

As per the notes submitted by the Secretary, RTA there are eight buses owned by the applicant and hence he is eligible to keep a bus as reserve bus as per the provisions stipulated in Rule 182 of KMVR 1989. This authority considered the request and **grant** permission to keep KL 10 Z 5669 as reserve bus for mainly to operate substitute services in place of route buses when such route buses are not used for operating the schedule service.

Item No.61

Heard the learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.62

Heard the learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.63

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Item No.68

Heard the learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.69

Applicant Absent. Decision on this application is adjourned.

Item No.70

Heard the learned counsel. Erratum agenda published and approved. The name of Transferee corrected as *Mr. Muhsmedkutty A.K., S/o. Kunhipocker, Ambalavan, Karattupalani, Iringallur P.O., Parappur.* Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.71

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Item No.109

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Item No.110

Applicant Absent. Decision on this application is adjourned.

Item No.111

Heard the learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.112

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Item No.133

Heard the learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.134

This is to consider the request of sister RTA Kozhikkode RTA – 19.06.2017 Item No. 13) for the concurrence for fresh stage carriage permit on the route Thottumukkam–Areakode – Mavoor - Mdicol College – Kozhikkode. As per the report of the Motor Vehicle Inspector, Malappuram portion of the route from Eranhimavu to Areacode 6.4 Kms and from Valillappuzha to Puthiyanidam District Boarder 1.5 Kms total 7.9 Kms lies in this district. There is no overlapping with any notified sector in this district. Concurrence for the fresh regular permit is considered and **granted** subject to the effect of notification No.42/2009 dtd 14/07/2009 and the directions stipulated in G.O. (P) No. 8/2017/Tran Dtd. 23.03.2017 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.135

This is to consider the request of sister RTA Kozhikkode RTA – 19.06.2017 Item No. 24) for the concurrence for fresh stage carriage permit on the route Areakode – Kozhikkode. As per the report of the Motor Vehicle Inspector, Malappuram portion of the route from Eranhimavu to Areacode 6.4 Kms lies in this district. There is no overlapping with any notified sector in this district. Concurrence for the fresh regular permit is considered and **granted** subject to the effect of notification No.42/2009 dtd 14/07/2009 and the directions stipulated in G.O. (P) No. 8/2017/Tran Dtd. 23.03.2017 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.136

This is to consider the request of sister RTA Kozhikkode RTA – 19.06.2017 Item No. 30) for the concurrence for fresh stage carriage permit on the route Pantheerankavu-Kolakkuth-Medical College-Civil-Feroke. As per the report of the Motor Vehicle Inspector, Malappuram portion of the route from Kolakkuth to Pullipparamba – 5.6 Kms lies in this district. There is no overlapping with any notified sector in this district. Concurrence for the fresh regular permit is considered and **granted** subject to the effect of notification No.42/2009 dtd 14/07/2009 and the directions stipulated in

G.O. (P) No. 8/2017/Tran Dtd. 23.03.2017 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No. 137

This is to consider the request of sister RTA Palakkad for the concurrence for Renewal of regular permit in respect of S/C KL 65 E 3856 on the route Malampuzha-Kozhikkode. As per the report of the Motor Vehicle Inspector, Malappuram Karinkallathani to 11th Mile for a distance of 63 Kms lies in Malappuram District and the entire portion lies in the notified portion. The overlapping in the jurisdiction of this authority is not objectionable as per G.O.(P) No. 8/2017 clause 5 is not objectionable. However the total route length has to be restricted to 140 Kms as per the above order. Concurrence for the fresh regular permit is considered and **granted** subject to the effect of notification No.42/2009 dtd 14/07/2009 and the directions stipulated in G.O. (P) No. 8/2017/Tran Dtd. 23.03.2017 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Departmental Item – 1

Perused the decision of STA held on 14.06.2017 in Departmental Item No. 2 regarding fixing the age limit for the stage carriages in applying and granting fresh regular stage carriage permits. Thus this authority decided to fix the age limit for the stage carriages in applying and granting fresh regular stage carriage permits as follows.

- a) 8 years for ordinary stage carriages
- b) 7 years for city/town stage carriages and
- c) 5 years for LSOS.

However, the life span of the stage carriages will be the same as per the earlier decision of the STA i.e., 15 years for ordinary city services and 10 years for LSOS.

Departmental Item – 2

Ratified the decisions taken by the Secretary, RTA according to the Act and Rules

Supplementary Item No.1

This is to Peruse the Judgment in W.P(C) No. 27115 of 2017(L), Dated., 16.08.2017, of Hon. High Court of Kerala and to consider the application for regular variation of service in r/o the stage carriage KL-12 B 6231, operating on the route Manjeri - Kizhisseri- Edavannappara. with the strength of Regular Permit vide 10/5756/2016, valid from 03.12.2016 to 02.12.2021. The permit holder of the S/C KL-12 B 6231 has applied for variation of permit so as to provide Additional 04 single

trips between Kizhisseri and ManjeriViaPookolathur and Trippanachi by curtailing trip from Omanoor to Edavannappara (2Singles) on the existing regular route.

The matter was enquired through the field officer and reported that the proposal is to provide Additional 04 single trips between Kizhisseri and ManjeriViaPookolathur and Trippanachi by curtailing trip from Omanoor to Edavannappara (2Singles) on the existing regular route. He has reported that this is a new Permit issued in December 2016 with route length 14 kms, owner applied for variation for additional trip for 17 kms will change major portion in present permit.

The curtailment applied from Omanoor to Edavannappara will adversely affect travelling public in that route during peak time. The applied variation for additional trip from Kizhisseri to Manjeri is a well-served sector, additional trips during peak time may cause clash in timings. For the earlier consideration of the above application, the Permit holder approached the H'ble High Court of Kerala in W.P.C No. 27115 of 2017(L), Dated 16.08.2017.

This authority has considered the application in detail. Verified the report submitted by the route enquiry officer and also considered the revised notification published by the Government. We are of the common view that in this case, the application does not comply the provisions explained in Section 80 (3) of Motor Vehicles Act and also Government of Kerala has modified the Scheme notified under G O (P) No. 42/2009/Tran. Dtd. 14.07.2009 as per G O (P) No.8/2017/Tran Dtd. 23.03.2017. Clause (4) of the above modified scheme reads "the permits granted in the private sector as 14.07.2009 will be permitted to operate as ordinary or Limited Stop Ordinary Service. The maximum distance prescribed in the rule 2 (oa) in the KMVR 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances." Also, as per the above notification, especially as per Clause 1 of the above notification, the scheme is applicable to all routes of Kerala. In these circumstances, application for variation as requested above is considered and we are of the opinion that the same cannot be granted as per the directions contained in notification G O (P) No. 8/2017/Tran Dtd. 23.03.2017.

Hence the application for variation of permit condition is **rejected**.

1. Sri. Shaji Joseph, Deputy Transport Commissioner (C Z 1); Member, RTA-Sd/-
2. Sri. AmitMeena IAS, District Collector; Chairman of RTA, Malappuram-Sd/-