

REGIONAL TRANSPORT AUTHORITY – MALAPPURAM

24 October 2017

Minutes

Present:

1. Sri. Amit Meena IAS, District Collector; Chairman RTA, Malappuram.
2. Sri. Debesh Kumar Behera IPS, District Police Chief & Member, RTA
3. Sri. Shaji Joseph, Deputy Transport Commissioner (C Z 1) & Member, RTA

Item No. 1

Heard the learned counsel.

This is to re-consider the application for fresh stage carriage permit to operate on the route Pandikkad – Perinthalmanna. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law.

As per the report of the route enquiry officer, this is an intra-district route with route length 23 Kms. In the proposed route, there is no overlapping with the notified sector and no virgin portion. The matter was considered by this authority held on 21.05.2014 and the decision was adjourned with a direction to the Secretary, RTA Malappuram to submit a time schedule with more number of trips to ill-served areas Mulliakurissi and Chemmanthatta; The applicant had submitted a modified proposal and the application was considered by the RTA held on 11.07.2016 vide item no. 3 and further adjourned with a direction to include two more trips to ill-served area Mullikkurissi. Now the applicant has submitted a revised proposal with trips to Mulliakkurissi and the Motor Vehicle Inspector, Malappuram has verified the revised application.

In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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. 2

Heard the learned counsel.

To re-consider the application for fresh S/C permit to operate on the route Chembra Colony – Edakkara. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law.

As per the report of the route enquiry officer, this is an intra-district permit with route length 33.7 Kms and there is no virgin portion. There is an overlapping with the notified route from Edakkara – Musiliyarangadi - 0.2 Kms. However, 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.

This application was previously considered by this authority held on 25.01.2017 in Item No. 28 and the decision was adjourned with a direction to the applicant 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 and also to obtain fare stages for the entire route from the route enquiry officer and place before this authority. Now the applicant has submitted a request to re-consider the application without a stage carriage at present. MVI, Nilambur has furnished the details of the fare stages.

In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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. This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 29673 of 2017 Dtd. 27.09.2017 with a direction to re-consider the application for fresh stage carriage permit to operate on the route Nariparambu-Edappal_Changaramkulam-Ponnani. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. Also, perused the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 29673 of 2017 Dtd. 27.09.2017.

This is an application for a fresh regular stage carriage permit on the above intra-district route. An enquiry on the application was conducted through Motor Vehicle Inspector, Sub-Regional Transport Office, Ponnani and the major points mentioned in the report were: The total length of the proposed route is 58.3 Kms. There is no virgin portion. However, there is an overlapping with the notified route in the following portions:

K K Junction to MLA Road	- 2.4 Kms
Eramangalam Jn. to Veliyancode Rd	- 0.1 Km
Ponnani Pvt Stand to KSRTC Stand	- 0.3 Km
Total	- 2.75 Kms

However the proposed route will not objectionably overlaps with the notified scheme as per the notification 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.

This application was considered by this authority held on 30.05.2017 in item no. 17 and the decision was adjourned with directions to the Secretary, RTA to conduct a fresh route enquiry and submit a more specific report especially on total distance of overlapping in the context of the objections raised in the open hearing of this authority and also to modify the proposal in consultation with the applicant in such a way that at least four more single trips during peak hours to comparatively less served areas Para – Eramangalam and

Changaramkulam. The applicant is also directed to furnish the details of the vehicle to which the fresh permit is sought for.

Against the decision of this authority the applicant has produced a judgment from Hon. High Court of Kerala in WP(C) No. 29673 of 2017 Dtd. 27.09.2017 which directs this authority to attain finality to this application for fresh stage carriage permit.

Motor Vehicle Inspector, Ponnani has submitted a revised report as per the direction of this authority. As per the report, portion of the route proposed by the applicant cannot be acceptable. As per the traffic system existing in Ponnani from 2005 onwards, all stage carriages from Edappal to Ponnani are operating through Kodathipadi. During return journey from Ponnani to Edappal stage carriages are operating through portion of MLA Road.

As per the revised report of the enquiry officer and also the contentions of other en-route operators, the proposed route is through MLA road (and Kodathipadi is not mentioning in the proposal) which is not acceptable. The total route length and total overlapping distance with the notified route has to be calculated via. Kodathippadi. In that case, the total distance of overlapping will be 5.1 Kms. and the overlapping distance will be more than that of the permissible limit. The major contention is that in order to circumvent from the notified route, the applicant has intentionally hide the original route via Kodathippadi and proposed only the route through MLA road.

This authority has verified the proposed route and the sketch submitted by the applicant; specific report submitted by the MVI, Ponnani and also the objections submitted by the en-route operators including that of Ponnani Taluk Private Bus Operators Association. We are of the common view that the objections raised by the en-route operators were sustainable and also the findings of the route enquiry officer. Stage carriage operations from Ponnani to Edappal and return via MLA road or portion of MLA road exclusively is not possible as per the existing traffic system at Ponnani.

In the above circumstances and also as per the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No. 29673 of 2017 Dtd. 27.09.2017 this authority **rejected** the application for fresh stage carriage permit.

Item No. 4

Heard. This is to re-consider the application for fresh stage carriage permit to operate on the route Nariparamu- puthanpalli-Chirakkal. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report, this is an inter- district route with total route length 47.1 Kms in which portion of the route passes through Malappuram district is 43.3 Kms and the rest 3.8 Kms passes through Thrissur district. There is no virgin portion in the proposed route. There is an overlapping of 2.1 Kms with the notified route.

However the proposed route will not objectionably overlaps with the notified scheme as per the notification 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. Average frequency of bus service on the entire route is 20-30 Minutes. The road is having sufficient width and condition of the road is good for bus service.

The application was previously considered by the RTA held on 30.05.2017 in Item No. 18 and the decision was adjourned with directions to the Secretary RTA to conduct a fresh route enquiry and submit a more specific report especially on total distance of overlapping in the context of the objections raised in the open hearing of this authority and also 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. Fresh route enquiry was conducted and the officer has reported that there is not objectionable overlapping in the proposed route. However, on further verification of files, it is observed that this is an inter-district route and the route is also passes through the jurisdiction of Sister RTA, Thrissur. This authority is of the opinion that a concurrence from Sister RTA, Thrissur 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, Thrissur on

this application and submit before this authority. Hence, decision on this application is **adjourned**.

Item No. 5

Heard. This is to re-consider the application for regular Stage Carriage permit to operate on the route Kottakkal – Kunnumpuram – Puthuparamba-Vengara-Pakkadapuraya-Parappanangadi-Attathangadi. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector this is an intra-district route with total route length 68.2 Kms. There is virgin portion from Nottappuram to Parappanchina via Gandhikkunnu (2.00 Kms). Road fitness certificate was obtained from Vengara Grama Panchayath. Fare stages for the virgin portion fixed by the Enquiry Officer and published the same along with the agenda and since there was not major objection on the same, it is approved. Further, there is an overlapping of 3.00 Kms with notified route (Chemmad to Kakkad); and however the proposed route will not objectionably overlaps with the notified scheme as per the notification 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. Proposed route connects interior and ill-served areas. Introduction of bus service on the proposed route will be beneficial to the traveling public and students. There is a pressing need for a fresh stage carriage service. Also, the proposed route is beneficial for the general public traveling students of various educational institutions. Presently no bus service from Vengara to Pakkadappuraya via Gandhikkunnu

The application was previously considered by the RTA held on 31.08.2017 in Item no 21 and the decision was adjourned for want of road fitness certificate from authorities concerned. The same is produced before BRTA for consideration. In the open hearing of this authority, one of the en-route operators has raised an objection on a typing error occurred in the proposed timing schedule. However he could not establish how this will affect his service and this authority is of the view that this can be rectified in the timing conference. Hence objections in this regard are over-ruled.

In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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. This is to consider the application for fresh S/C permit to operate on the route Tirur – Tirunavaya Navamukunda Temple. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. This is an application for a fresh regular Stage Carriage permit on the above intra-district route. An enquiry on the application was conducted through MVI, SRT Office, Tirur. He has reported that the total route length is 22.2Kms. and there is no virgin portion in the proposed route. There is no objectionable overlapping with the notified route. However, there is a submission from the member of Pothannur Grama Panchayath that if the proposed route will pass through Pothannur, travelling public will be more benefitted. The learned counsel for the applicant agreed the same and requested for one more opportunity to modify the application via. Pothannur and for the benefit of the public, this authority allows the request to modify and re-submit the permit application. Secretary, RTA is will make arrangements to conduct a fresh enquiry on the modified application and place before the RTA. Hence, decision on this application is **adjourned**.

Item No. 7

Heard. This is to consider the application for fresh stage carriage permit to operate on the route Tirur- Vattathani – Tirur. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor

Vehicle Inspector, this is an intra- district route and the total Route length is 16.2Kms. There is no virgin portion and an overlapping of 5.4 Kms with the notified route from Vattathani to Thazhepalam which is not objectionable as per G.O.(P) No. 79/2015/Trans; Dtd. 08.12.2015. In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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 consider the application for fresh stage carriage permit to operate on the route Kadampuzha-Malappuram. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, this is an intra- district route with total Route length 40.4Kms. There is no virgin portion and an overlapping of 1.6Kms from Kottappadi – Traffic Circle to Malappuram – Kunnummel with the notified route which is not objectionable as per G.O. (P) No. 8/2017/Trans; Dtd. 23.03.2017.

As per the proposed time schedule, there is only starting and halting single trips to comparatively less-served area 'Pathayakkallu'. This is against the interest of the travelling public. Further, there is an unnecessary waiting at the stop C H Road, this authority is of the view that there is no adequate space at C H Road for halting or waiting for a stage carriage. This will create traffic congestion and related traffic problems in the junction. Also, the place Karekkad-Cherukulamba is not marked in the route sketch.

In this context, the Secretary, RTA will do the needful to

- 1) Modify with re-arrangement in the proposed the time schedule with two more trips to Pathayakkallu in consultation with the applicant;

2) obtain a fresh route enquiry report with specific remark on the availability of space for a stage carriage without hindering the free flow of traffic to wait 5-10 minutes at the place C H Road.

3) Route sketch has to be modified with all important points including that are mentioned in the time schedule. And place before this authority.

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

Item No. 9

Heard. This is to consider the application for fresh S/C permit to operate on the route Tirur- Ottumpuram and also to peruse the directions contained in the Judgment from Hon. High Court of Kerala in WP(C) No. 26349 of 2017 Dtd. 09.08.2017. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. Also perused the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 26349 of 2017 Dtd. 09.08.2017. As per the route enquiry report of the Motor Vehicle Inspector, this is an intra- district route with total route length 29.2 Kms. There is no virgin portion and an overlapping with the notified route from Pookayil to Thazhepalam 2.2 Kms and which is not objectionable as per G.O.(P) No. 79/2015/Trans; Dtd. 08.12.2015. As per the proposed time schedule, there is only one single trip is proposed from Tirur to Tanur via Vallikanhiram (comparatively an ill-served area). This authority is of the view that more number of trips in this route for the benefit of travelling public. In this context the Secretary, RTA will modify the existing timing proposal in consultation with the applicant in such a way to add one more trip from Tirur to Tanur via Vallikanhiram and place before this authority.

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

Item No. 10

Heard. This is to consider the application for fresh S/C permit to operate on the route Kuttippuram – Tirur. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, this is an intra- district route with total route length is 41.7Kms.

There is no virgin portion and an overlapping with the notified route from Althiyoor to Thazheppalam 6.4 Kms and which is not objectionable as per G.O. (P) No. 79/2015/Tran. Dtd. 08.12.2015 Ponnani - Chelari.

As per the existing timing schedule, the proposed vehicle is operating on the route Kuttippuram – Tirur via Karathur and also via Alathiyur. Kuttippuram – Tirur via Alathiyur is comparatively less-served route than via Karathur. As per the report of the route enquiry officer, the stage carriage frequency in Kuttippuram – Tirur sector via Alathiyoor is 20 Minutes and that of via Karathur is 7 Minutes. In the open hearing of this authority, there are lot many en-route operators have raised their objections that there is hardly no time gap available on this route and increasing more number of trips on this route will lead to unhealthy competition and the same will leads to accidents.

Upon verification of related documents, this authority is also of the opinion that the frequency of stage carriage operation on the route Kuttippuram – Tirur via Karathur is even less than 5 Minutes. However the application is considered as per law and we are of the considered opinion that number of trips via Karathur on the Tirur – Kuttippuram route has to be reduced. Instead, the applicant can propose more number of trips via Alathiyur, comparatively less served area.

In this context, the Secretary, RTA is directed to modify the application in consultation with the applicant so as to add two more trips from Kuttippuram to Tirur via Alathiyur within the existing time framework and place before this authority. Hence decision on this application is **adjourned**.

Item No. 11

Heard. This is to consider the application for fresh S/C permit to operate on the route Othayi – Areacode-Manjeri. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, This is an intra- district route with total Route length 40.9 Kms. There is no virgin portion and an overlapping with the notified route from Nellipparamba to Jaseela Junction – 1.0 Km and Edavanna Jamalangadi to Seethi Haji Bridge – 0.8 Km. and which is not objectionable as per G.O.(P) No. 8/2017/Tran Dtd. 23.03.2017.

In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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 Tirur – Kalikavu. . This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, this is an intra- district route with a total Route length 79.3 Kms. There is no virgin portion. However there is overlapping with the notified route from Thripuranthaka Temple to Malappuram Down Hill – 2.2 Kms & Chankuvetti to Edarikkode – 1.2 Kms thus a total overlapping of 3.4 Kms with the notified route and which is not objectionable as per G.O.(P) No. 8/2017/Trans; Dtd. 23.03.2017. Further, the frequency of stage carriage operation on the proposed route is 5 to 10 Minutes during peak hours. The applicant has placed a submission in the stamped paper that he will produce a vehicle within 30 days from today.

However in the open hearing of this authority there were a number of objections raised by other en-route operators. The major contention is the frequency of bus service and availability of time gap in the proposed route, especially in Tirur – Manjeri Sector. The reported time gap is 5 to 10 Minutes during peak hours and 10 to 15 Minutes during other timings. This authority is open to issue permits for the benefit of travelling public. However the objection is no available time gap on this route especially Tirur – Manjeri sector. By increasing the number of trips on this sector will lead to unhealthy competition followed by accidents. Considering the intensity and seriousness of the objections, this

authority needs some more specific data based on vehicle statistics that helps to through light into the frequency of stage carriage service on the proposed route and also the availability of time gap in the requested time slots.

In this context, the Secretary, RTA is directed to obtain a specific report with complete details on the available frequency of stage carriage services and available time gap and place before this authority. Thus, decision on this application is **adjourned**.

Item No. 13

Heard. This is to consider the application for fresh S/C permit to operate on the route Kalikavu-Tirur. . This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, this is an intra- district route with a total Route length 79.3 Kms. There is no virgin portion. However there is overlapping with the notified route from Thripuranthaka Temple to Malappuram Down Hill – 2.2 Kms & Chankuvetti to Edarikkode – 1.2 Kms thus a total overlapping of 3.4 Kms with the notified route and which is not objectionable as per G.O.(P) No. 8/2017/Trans; Dtd. 23.03.2017. Further, the frequency of stage carriage operation on the proposed route is 5 to 10 Minutes during peak hours. The applicant has placed a submission in the stamped paper that he will produce a vehicle within 30 days from today.

However in the open hearing of this authority there were a number of objections raised by other en-route operators. The major contention is the frequency of bus service and availability of time gap in the proposed route, especially in Tirur – Manjeri Sector. The reported time gap is 5 to 10 Minutes during peak hours and 10 to 15 Minutes during other timings. This authority is open to issue permits for the benefit of travelling public. However the objection is no available time gap on this route especially Tirur – Manjeri sector. By increasing the number of trips on this sector will lead to unhealthy competition followed by accidents. Considering the intensity and seriousness of the objections, this authority needs some more specific data based on vehicle statistics that helps

to through light into the frequency of stage carriage service on the proposed route and also the availability of time gap in the requested time slots.

In this context, the Secretary, RTA is directed to obtain a specific report with complete details on the available frequency of stage carriage services and available time gap and place before this authority. Thus, decision on this application is **adjourned**.

Item No. 14

Heard. This is to consider the application for fresh S/C permit to operate on the route Kizhisseri – Arimbra – Poothanaparamba. This authority has considered the application, verified the documents and connected files in detail and also examined the arguments of other en-route operators for and against the issuance of the permit as per law. As per the route enquiry report of the Motor Vehicle Inspector, This is an intra- district route with total Route length 14 Kms. There is no virgin portion and an overlapping with the notified route at Morayur town – 0.08 Kms and which is not objectionable as per G.O.(P) No. 8/2017/Tran.Dtd. 23.03.2017.

In this context, regular permit is **granted** subject to settlement of timings. The State Transport Authority in its sitting held on 14/06/2017 restricted the age limit of the stage carriages in applying and granting fresh ordinary regular stage carriage permit as eight years in Departmental Item - 2. Hence, 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 to decide on the nature of action to be taken with respect to the regular stage carriage permit granted to operate on the route Kuttipuram – Tirur – Puthanathani (via) Chembi, Thazhathara, Thirunavaya, Vyrankode, Ezhur, Pullur, Thuvvakkadu, Kurungad, Chandanakkavu and touching Allur (via.) Randal as ordinary service by this authority held on 21.05.2015 in item no. 18. The applicant has submitted the records of the stage carriage KL 08 Y 6879 for endorsing the granted permit on 18.09.2015. Initially the timing was

published in the notice board and since there were objections from other en-route operators, the permit was marked for timing conference on 28.04.2016. However for the timing conference there was no vehicle produced and the another regular permit was attached to the previous stage carriage KL 08 Y 6879.

On 02.05.2016, a show-cause notice was issued to the applicant with a direction to produce the records of a suitable stage carriage. Later, he has produced another vehicle KL 10 N 8281 for endorsing the said permit. Upon verification, it was revealed that the said vehicle is a school bus. During the hearing with the applicant on 19.09.2017, the applicant has ascertained that he will produce another vehicle for endorsing the permit. No ready vehicle produced at the time of open hearing of this authority.

In this situation, this authority is of the view that the applicant has not complied with the provisions of Rule 159 of the Kerala Motor Vehicles Rules. Thus, the grant of fresh stage carriage permit by this authority held on 24.10.2017 in Item 15 is **revoked**.

Item No.16

Heard. This is to suggest the nature of action to be taken on the application for fresh stage carriage permit to operate on the route Kondotty-Tharayittal (via) Kolathur Air Port Junction, Kumminiparamba EMEA College with Kondotty-Kakkad 2 single trips in the morning (via) Melengadi, Tharayittal, Karuvankallu, Kunnumpuram, AR Nagar, Kolappuram, Kooriyad and with Kondotty-Edavannappara (via) Omanur return from Edavannappara via Vazhakkad, Mundumuzhi, Puthiyodathuparamba, Olavettur, Vettukad as OS which was granted by the RTA held on 18.09.2014 and the granted permit was marked for timing conference several times and adjourned since the applicant was absent and/or no ready vehicle at the time of timing conference.

The matter was considered by this authority on 25.10.2016 in Item no. 146 and directed the Secretary, RTA to include the permit in the timing list and the grantee of the permit is directed to produce the records of his stage carriage KL 10 L 8845 before the Secretary, RTA at the time of the timing conference. Timing of the above said permit was included in the timing list on 11.05.2017 & 14.09.2017. However, the grantee of the permit has not produced the current

records before the Secretary, RTA as on date. Instead, he has submitted letters to postpone the timings to another date.

Thus the applicant has seriously erred in complying the decision of this authority held on 25.10.2016 in Item No. 146. The applicant has affirmed that he will produce the vehicle before this authority for the timing conference. The applicant ought to have seen that the permit is granted by this authority way back in 2014 and he is not able to produce a suitable vehicle to endorse the permit as on date. The applicant's intentional negligence has to viewed seriously and there is no need to condone the delay occurred due to the laxity from the part of the grantee of the permit.

In this situation, this authority is of the view that the applicant has not complied with the provisions of Rule 159 of the Kerala Motor Vehicles Rules the grant of the stage carriage permit by this authority held on 18.09.2014 in Item 38 on the above mentioned route is **revoked**.

Item No.17

Heard. This is to consider the application for regular variation in respect of the vehicle KL 10 Y 1176, operating on the route Wandur –Nilambur, with the strength of the Regular Permit vide Permit No. 10/5044/2016/M, valid from 22.10.2016 to 21.10.2021, has applied for regular variation of conditions of Permit so as to provide Additional 2 single trips between Wandoor and Nilambur Subramanya Kshethram and 2 single trips between Wandoor and Karimbantodi, and 2 single trips between Wandoor and Karad without curtailment on the existing 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.

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.18

Heard. This is to Consider the application for regular variation in respect of the vehicle KL 09 N 8073 , operating on the route, Areacode - Oodakkayam - Manjeri – Mukkam with the strength of the Regular Permit vide Permit No. 10/3625/2016/M, valid from 03.08.2016 TO 02.08.2021, has applied for regular variation of conditions of Permit so as to provide additional trip between Areacode and Odakkayam Via Pathanapuram, Therattammal and Vettilappara (2 single trips) and re-arrangement of trips (time revision) on the existing regular route without curtailment.

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.

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.19

Heard. This is to Consider the application for regular variation in respect of the vehicle KL 10 Y 9099 , operating on the route, Vazhikadavu – Malappuram with the strength of the Regular Permit vide Permit No. 10/661/2000/M, valid from 14.06.2014 TO 13.06.2019, has applied for regular variation of conditions of Permit so as to provide additional 2 single trips between Manjeri and Areacode Via Nelliaparamba and Kavanoor by curtailment of Manjeri-Malappuram 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.

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.20

Heard. This is to Consider the application for regular variation in respect of the vehicle KL 08 AA 3344 operating on the route, Manjeri- Karulai with the strength of the Regular Permit vide Permit No. 10/6132/1996/M, valid from 11.11.2016 TO 10.11.2021, for regular variation of conditions of Permit so as curtail 5th single trip from Kizhusseri to Kondotty(up & down single trips) 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.

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.21

Heard. This is to consider the application for regular variation in respect of the vehicle KL 60 A 8284 , operating on the route Narukkumpotti - Bhoothanam Colony – Manchakkode with the strength of the Regular Permit vide Permit No. 10/496/2016/M, valid from 18.02.2016 TO 17.02.2021, has applied for regular variation of conditions of Permit so as to provide 10 additional single trips between Pothukallu and Bhoothanam Colony and extension of route from Bhoothanam Colony (18 single trips) via Vaidyasalapadi and santhigramam 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.

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.22

Heard. This is to peruse the Judgment in W.P (C) No. 12486/2016 dated., 31.03.2016 and to consider the application for the cancellation of the regular variation issued in respect of the Stage Carriage KL 11 Z 3717, operating with the strength of Permit vide No. 10/12/1998, valid from 02.02.2013 to 01.02.2018, on the route Nilambur- Manjeri and varied on deviating third single

trip on the Wandoor-Manjeri sector via Thiruvalli instead of via Cherukulamthode and deviation of the third single trip from Eriyad to Cherani (via) Elankur instead of (via) Thiruvalli

This authority has considered the application and examined the connected files in detail; perused the judgment from Hon. High Court of Kerala in W.P (C) No. 12486/2016 dated., 31.03.2016.

As per the request of the permit holder, Regular Variation was granted and issued to the Stage Carriage vide this Office Proceedings vide Order No. C6/124879/2014/M, dated., 09.03.2016. The permit holder approached the Hon. High court of Kerala in W.P. (C) No. 12486 of 2016 dated. 31.03.2016, for the purpose of cancellation of variations of conditions of permit issued to the stage carriage, alleging that the permit holder is unable to come to terms with timings allotted to him while issuing the regular variation. This authority is of the view that the request for the variation of the permit holder is once considered and issued by this authority and thus it becomes part of the permit. If the permit holder wanted to cancel the same, it can be considered as another variation of permit. There is nothing called cancellation of variation of permit in the Motor Vehicles Act and Rules. In this context, this authority considered the request as a fresh variation application by the permit holder. The permit holder has not paid the required fee and application for the same. It is also stated in this regard that the 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.23

Heard. This is to Consider the application for the Renewal of the Regular Permit issued in respect of the Stage Carriage, KL 11 AQ 8385, operating on the route, Guruvayur-kozhikode Thrissur with the strength of Permit vide No. 10/52/2000, valid from 06.01.2010 to 05.01.2015. This authority has considered the application and examined the connected files in detail.

The Permit holder applied for the renewal of the Permit for further period of 05 years. (Now the Stage Carriage is covered by Temporary Permit u/s 87(1) d for 04 months, valid from 30.09.2017 to 29.01.2018.) Since, portions of route lies under the jurisdiction of Thrissur and Kozhikode districts, the renewal application was placed before this authority held on 21.5.2015 as item No. 96 and decided to seek concurrence. The concurrence from sister RTAs of Thrissur and Kozhikode are pending. Now, the applicant has requested to grant renewal of permit in the light of decision of STA held on 29.02.2016 as item No. 12. Accordingly, route enquiry report were called for ascertaining the eligibility of the permit for the renewal without waiting for obtaining the Concurrence of Sister RTAs. The route length is as follows:-

1. Kozhikode District: 16.50 kms.
2. Thrissur District: 43.00 kms.(report from RTO, Thrissur)
3. Malappuram District: 77.00 kms.

Total Distance: 136.50 kms

This authority has elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected files. 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** 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.24

Heard. This is to Consider the application for the renewal of the regular permit issued in respect of the Stage Carriage, KL 10 AS 3637, operating on the route, Palakkad-Kozhikode as LSOS, with the strength of Permit No. 10/6280/1997, valid from 06.11.2012 to 05.11.2017, with a set of settled timings. This authority has considered the application and examined the connected files in detail;

The Permit holder applied for the renewal of the Permit for further period of five years. Application received on 05.10.2017, which is in time. This is an inter-district route. M.V.I Malappuram has reported that, the overlapping with notified routes/approved schemes are not violating G.O. (P) No. 8/2017/trans dated. 23.3.2017. The reported route length is as follows:-

1. Kozhikode District:	17.50 kms.
2. Palakkad District:	56.50 kms.
3. Malappuram District:	63.00 kms.
Total Distance:	137.00 kms.

This authority has elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected files. The route will 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 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.25

Heard. This is to consider the application for renewal of Stage Carriage permit (10/51/92) valid up to 09.01.2017 in respect of Stage Carriage KL 58 B 8676 operating on the route of Perinthalmanna -Perinthalmanna Circular. This authority has considered the application and examined the connected files in detail.

The permit renewal application received from the above applicant on 06.10.2016. Its having temporary permit U/S 87(1)d and it valid up to 15.01.2018 Portion of the route lies in Palakkad District. The matter enquired through MVI Malappuram and he had reported that distance of the route lies in Palakkad district is only 33 KM and existing route intersects overlap notified sector from Tirurkad to Mannarkkad (35 Km).The above inter-district permit on the above route is valid from 1992.

This authority has elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected files. The route will 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 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.26

Heard. This is to consider the application for renewal of Stage Carriage permit (10/524/89) valid up to 21.09.2017 in respect of Stage Carriage KL 53 912 operating on the route of Malapuram –Ottapalam. This authority has considered the application and examined the connected files in detail.

The permit renewal application received from the above applicant on 20.08.2016. Its having temporary permit U/S 87(1)d and it valid up to 21.01.2018. Portion of the route lies in Palakkad District. The matter enquired through MVI Malappuram and he had reported that distance of the route lies in Palakkad district is only 22 KM and existing route intersects overlap notified sector from Malappuram to Cherpulassery Road Jn (21KM). The above inter-district permit on the above route is valid from 1989.

This authority has elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected files. The route will 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 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.27

Heard. This is to Peruse the Judgment in WP(C) 10508 of 2017 dtd 28.03.2017 and to reconsider the application for renewal of Stage Carriage permit (10/514/05) valid up to 28.11.2015 and Variation of Permit from the Class of service LSFP to LSOS in respect of Stage Carriage KL 54 B 6002 operating on the route of Ponnani-Kozhikode-Guruvayoor. This authority has considered the application and examined the connected files in detail.

The Stage Carriage KL 54 B 6002 covered by a regular permit (10/514/05) on the above mentioned route and was expired on 28.11.2015. Now the stage carriage is operating with temporary permit as LSOS u/s 87(1) d as per G.O. (MS) 45/15/Trans dtd 20.08.2015 and its validity up to 14.02.2018. Renewal of Permit for further period of five years on the above route and variation of permit as LSOS from LSFP were considered by this authority held on 11.07.2016 vide item No136 and adjourned the decision on the application by directing

1) The Secretary, RTA to obtain concurrence from Sister RTA

2) The applicant to submit an application for variation of permit as LSOS with list of stops

Further the permit holder has submitted an application for variation of permit as LSOS as directed by this authority. Further, he has produced a Judgment from Hon. High Court of Kerala in WP(C) No. 10508 of 2017 dtd 28.03.2017 and which directs to take a decision on the application for renewal of permit based on the decision of STA and the decision of RTA, Thrissur regarding general concurrence. This authority has perused the directions contained in the aforesaid judgment in the light of the decision of STA and the decision of RTA Thrissur.

As per Rule 2 (oa) of the Kerala Motor Vehicles Rules 1989, Ordinary Limited Stop Services means a service, which is operated on a route having a distance not exceeding 140 Kms with limited number of stops having at least one stop in every fare stage; from the records submitted by the Secretary, RTA the route length of the permit is above 140 Kms and it is a violation of the KMVR.

In this situation, this authority cannot consider the application for renewal of permit as per the existing route and hence the application for renewal of permit is **rejected**.

Item No.28

Heard. This is to Peruse the Judgment in WP(C) 10753 of 2017 dtd 29.03.2017 and also to reconsider the application for renewal of Stage Carriage permit (10/535/96) valid up to 24.04.2016 in respect of Stage Carriage KL 54 F 6097 operating on the route of Thrisur-Kozhikode touching Ponnani as LSOS. This authority has considered the application and examined the connected files in detail.

The stage carriage is operating at present with temporary permit as LSOS issued u/s 87(1) d and its valid up to 12.01.2018. Renewal of Permit for further period of five years on the above route was considered by this authority held on 11.07.2016 vide item No133 and adjourned the decision, directing the Secretary, RTA to seek concurrence from Sister RTAs.

Now, the permit holder has submitted a Judgment from Hon. High Court of Kerala in WP(C) No. 10753 of 2017 dtd 29.03.2017 and with a direction to dispose the renewal of permit application without insisting the concurrence of

the Sister Regional Transport authorities. This authority has perused the directions in the judgment and elaborately considered the application and the connected files and Government Orders.

As per Rule 2 (oa) of the Kerala Motor Vehicles Rules 1989, Ordinary Limited Stop Services means a service, which is operated on a route having a distance not exceeding 140 Kms with limited number of stops having at least one stop in every fare stage; from the records submitted by the Secretary, RTA the route length of the permit is above 140 Kms and it is a violation of the KMVR.

In this situation, this authority cannot consider the application for renewal of permit as per the existing route and hence the application for renewal of permit is **rejected**.

Item No.29

Heard. This is to peruse the Judgment in WP(C) 12958 of 2017 dtd 11.04.2017 and to consider the application for renewal of stage carriage permit (10/53/92) valid up to 05.11.2016 in respect of Stage Carriage KL 10 R 2248 operating on the route of Ponnani-Guruvayoor as ordinary service. This authority has considered the application and verified the records. The application for renewal of permit was submitted on 01.11.2016 and the permit holder has submitted a judgment from Hon. High Court of Kerala in WP(C) No. 12958 of 2017 dtd 11.04.2017. This authority has perused the directions contained in the judgment.

This authority has elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected files. The route will 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 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.30

Heard. This is to Peruse the Judgment in WP(C) 2210 of 2017 dtd 07.04.2017 and to consider the applications for renewal of Stage Carriage permit (C5/47/93) which expired on 06.12.1998 in respect of Stage Carriage KL 08 B 8587 was operating on the route of Ernakulam, Bus Stand -Kozhikode as LSFP. This authority has considered the application, perused the directions contained in the judgment and verified the connected files in detail. The objections raised by KSRTC and other en-route operators were considered as per law.

The Stage Carriage KL 08 B 8587 was operating on the above said route as LSFP. This permit was valid from 07.12.1993 to 06.12.1998. In the application for renewal of permit the permit holder stated that Motor Vehicle Inspector, Ponnani inspected and seized the said stage carriage with a regular permit during 1998 and handed over the stage carriage to Sub-Inspector of Police Changaramkulam for safe custody against the violation of Motor vehicle act and rules and permit conditions.

The permit holder had not turned up to settle the charges booked against the vehicles and the vehicle had not operated on the route thereafter.

The application for renewal of permit for further period of five years from 07.12.1998 was filed on 21.11.1998. Further that the registration validity of the route bus has expired on 15.01.2008 while the vehicle continuously in police custody. On 26.07.13, after the expiry of the 15 years of the permit, the applicant had filed applications for renewal of permit for the periods 07.12.1998 to 06.12.2003, 07.12.2003 to 06.12.2008 and 07.12.2008 to 06.12.2013. Again, on 19.09.2016 the applicant has filed another application for renewal of permit for the period from 07.12.2013 to 06.12.2018. Also, he has produced a judgment from Hon. High Court of Kerala in WP(C) No.2210 of 2017 dtd 07.04.2017 with a direction to take a decision on the renewal applications.

1. 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. It would be relevant to consider Rule 152 of the Kerala Motor Vehicles Rules also which says:

Failure to use transport vehicle:- It shall be a condition of the permit of every transport vehicle (other than a private service vehicle permit) that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of a stage carriage unless a reserve bus duly authorised in this behalf has conducted substitute service in the place of the route-bus which defaulted service, and for a continuous period of fifteen days....’

Thus, Rule 152 would reveal that the stage carriage operator has to keep the vehicle available in a fit condition for operating on the routes without any break of service and in accordance with the permit conditions. In this case, the permit holder has intentionally stopped the service of the stage carriage for about 15 years without any prior intimation and/or with a valid reason. Thus, this is a clear violation of the provisions of Rule 152 of KMVR 1989.

2. 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 15.01.2008 since the registration validity is over. This authority is of the view that there is no need to condone the delay occurred for replacing with a suitable vehicle and or renewing the permit to keep the permit alive for the benefit of traveling public. The intentional negligence from the part of the applicant has to be viewed with due seriousness.

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 15.01.2008 and the applicant is ceased to be a holder of a regular permit thereafter.

3. The route of this expired permit is Ernakulam Bus Stand -Kozhikode as LSFP; as per the notified routes published by GO(P) No.42/2009/Tran dtd 14/07/2009 and further modified scheme vide GO(P) No.08/2017/Tran dtd 23/03/2017 Clause 5 (b) of the notification reads as follows: The existing and operating permits as on 14th July 2009 will be permitted to operate as Ordinary or Ordinary Limited Stop Service. As per Clause 5 (c) of the above notification, existing and operating permits in private sector as on 14th July 2009 are only allowed to operate further. Thus, as per Clauses 5 (b) & 5 (c) of the said notification, the permit is not renewable.

4. As per the direction of Hon. High Court of Kerala in WP(C) 2210 of 2017 dtd 07.04.2017, the three consecutive applications submitted by the petitioner has been considered. However, Those were applications for the renewal of permit on the above mentioned Kozhikkode – Ernakulam route as LSFP. As per G.O. (P) No. 73/2013/Tran dated 16.07.2013 issued under No. 555/2013 Government approved a scheme specifying that higher class services like LSFP should be run and operated by the Statue Transport Undertaking. In this case, the G.O. (MS) No. 45/2015/Trans; Dtd. 20.08.2015 is not applicable. Hence the renewal applications submitted by the petitioner as mentioned in the judgment of Hon. High Court of Kerala in WP(C) 2210 of 2017 dtd 07.04.2017 were not maintainable as per the above notified schemes.

5. A combined reading of G.O. (P) No. 73/2013/Tran dated 16.07.2013; G.O. (MS) No. 45/2015/Trans; Dtd. 20.08.2015 and Rule 2 (oa) of the Kerala Motor Vehicles Rules 1989, the maximum total distance can be covered by a stage carriage operating in private sector is restricted to 140 Kms. from the records submitted by the Secretary, RTA the route length of the said expired permit is above 140 Kms and it is a violation of the aforesaid notifications and KMVR 2 (oa).

6. The permit holder kept the said vehicle idle for about 19 long years. He has never tried to clear the offences charges against his vehicle and release the vehicle from the custody of the department. Instead, he has submitted renewal applications in time. This authority strongly feels and believes that this is a dubious method to keep the permit in his custody and now he is trying to make

it alive. This is not acceptable and this authority is of the opinion that the applicant lost the status of a bonafide holder of a permit.

7. As per [Section 71](#), [section 71\(3\)\(d\)\(i\)](#) of the Motor Vehicles Act, 1988, wherein it is stated that the Regional Transport Authority, while considering the application for Stage Carriage Permit is bound to consider the financial stability of the applicant also. In this case, the vehicle in which the permit was attached earlier has got tax arrears and the same were not settled yet. Similarly, the check-report issued to the applicant was not yet cleared for the last nineteen long years. Thus the applicant, himself has proved to be financially instable. Thus, this authority could not find any reason to consider the three consecutive permit renewal applications together.

8. During the last nineteen long years the timings of the original permit has been kept idle and those were allotted and taken by other private as well as state transport undertaking.

From the above facts and circumstances, the applications submitted by the petitioner in WP(C) 2210 of 2017 dtd 07.04.2017 were considered as per the directions contained in the judgment of Hon. High Court of Kerala as per law and **rejected**.

Item No.31

Heard. This is to consider the belated renewal of permit application submitted by the R/O of the stage carriage KL 10 AX 7535 on 06-10-2017 to operate on the route Karuvattakunnu - Wandoor - Pookottumpadam - Kanhirampadam - Emangad - Thodikappulam - Karad Schoolpadi. The Permit -No.10/7192/2012 was valid up to 19-10-2017. This authority has considered the application and verified connected documents in detail. The permit was expired on 19-10-2017 but the renewal application was submitted only on 06-10-2017, which is only 13 days prior to the expiry of the permit. Thus there is a delay in two days for the submission of renewal of permit application. The applicant was heard on 09-10-2017. The applicant has submitted that the delay was because of medical reasons and he has produced a medical certificate along with the application. As per the medical certificate, the applicant was suffering from viral fever for the period 28-09-2017 to 05-10-2017. 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 NOC from the financier, if any and also as per the clearance of Govt. dues, if any.

Item No.32

Heard. This is to consider the belated renewal of permit application submitted by the registered owner of the stage carriage 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. 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. 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 since the vehicle KL 10 M 9149 is reported to be garaged due to mechanical failure and still the vehicle is in G-form up to 31/03/2018. Tax in respect of the vehicle KL 10 M 9149 has cleared only up to 31/08/2016. Meanwhile, as per receipt no 10/153619/2015 KL 10 M 9149 was replaced by KL 11 AA 5023 on 13/10/2015.

The belated renewal application in respect of the stage carriage KL 11 AA 5023 (Previously, KL 10 M 9149) was placed before this authority held on 31/08/2017 and its decision was adjourned for want of a detailed report from the Secretary, RTA on this case. This authority has considered the application in detail and verified the connected records. Objections raised were considered as per law. The details of the following aspects were missing in the agenda submitted by the Secretary, RTA and needs more clarification to take a right approach to this application:

1. First application was submitted on 14.08.2012 with respect to the vehicle KL 10 M 9149 and the second was on 19.08.2017 with respect to the vehicle KL 11 AA 5023.

2. Replacement of the stage carriage KL 10 M 9149 with KL 11 AA 5023 in the absence of a valid permit.
3. Renewal applications were pending for consideration from 26.08.2012.
4. Temporary permits issued after the expiry of this permit on 26.08.2012.
5. Status of permit from 26.08.2012 to 13.10.2015

The Secretary RTA is directed to enlighten this authority with a detailed report on the above aspects and place along with the application before this authority. However, the permit holder is eligible for temporary permit till this authority takes a final decision on the renewal application. Hence decision on this application is **adjourned**.

Item No.33

Heard. This is to consider the belated renewal of permit application submitted by the R/O of the S/C KL 10 AS 3486 on 27/07/2017 on the route Areacode – Tirur. The permit No.10/8250/2006 was expired on 03/01/2017. However but the renewal application had submitted only on 27/07/2017 and which was not in time. The permit holder appeared for personal hearing on 31/07/2017 with a medical certificate which states that he was under medical treatment from 10/12/16 to 10/02/2017 and he has requested to condone the belated application. This authority has considered the application and verified the connected files in detail and 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 action and clearance of Govt. dues, if any. However the permit holder has to pay a fine of Rs. 5000/- (Rupees five thousand only) for the un-authorized permit-less operation.

Item No.34

Heard. To consider the belated renewal of permit application submitted by the R/O of the stage carriage KL 10 Q 2718 on 18/07/2017 on the route Tirur – Tirur with permit no. 10/3273/2012 valid up to 20/06/2017; However, the renewal application has submitted only on 18/07/2017 and which was not in time. The permit holder appeared for personal hearing on 21/08/2017 with

medical certificate and he has requested to condone the belated application. This authority has considered the application and verified the connected files in detail and 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 action and clearance of Govt. dues, if any. However the permit holder has to pay a fine of Rs. 5000/- (Rupees five thousand only) for the un-authorized permit-less operation.

Item No.35

Heard. This is to consider the mutual replacements of the vehicles stage carriages KL 58 Q 5688 and KL 55 N 9002 on respective routes Vettamcheerppe - Parappanangadi and Valancheery – Parappanangadi, both the permits were active live. This authority has considered the applications as per law and verified connected documents. KL 55 N 9002 is a 2013 model vehicle with seating capacity 38 in all and KL 58 Q 5688 is a 2015 model vehicle with 38 seats. Hence there is difference in total seating capacity; however there is slight difference in model of these vehicles. This authority is of the view that these replacements will not affect the traveling public and there is nothing against law.

Hence the request of the permit holder to replace these vehicles mutually is **allowed** subject to clearance of departmental action or Govt. dues, if any.

Item No.36

Heard. This is to peruse the Judgment in W.P.C. No. 11485/2014 dated., 25.04.2014 and to consider the belated application for the replacement of stage carriage permit, kept under suspended animation, in respect of the stage carriage KL 10 N 47, vide Permit No. 10/11230/2013, valid from 22.02.2013 to 21.02.2018, on the route, Pandikkad – Manjeri. This authority has perused the directions contained in the judgment; considered the application and verified the connected records.

The permit holder approached the H'ble High court of Kerala in W.P.C. No. 11485/2014 dated, 25.04.2014, for obtaining Clearance Certificate for the said

Stage Carriage without surrendering the Permit. While disposing the writ petition, Hon. Court directed the Secretary RTA Malappuram to consider the representation of the petitioner. In pursuit of this judgment, Clearance Certificate has been issued to the Stage Carriage, by keeping the permit under suspended animation as on 13.05.2014. Now, the Permit holder has applied for the replacement of the permit kept under suspended animation to a later Model Stage Carriage, KL 10 S 8440, registered in his name with effect from 13.08.2017, (Registration date is 15.05.2004, with 23 seats) as on 14.08.2017. In this case, the permit was not operational for the last three years and now the permit holder intends to operate service with a later model vehicle. This authority is of the view that this will be beneficial to the travelling public. Hence the replacement is **allowed** in public interest.

Item No.37

Heard. This is to peruse:-(1) the complaint lodged by Sri. Anikottil Unnikrishnan, Member, Chokkad Grama Panchayath, Chokkad, Malappuram Dated., 22.09.2017, against the Stage Carriage, KL 59 C 5536, alleging that the Stage Carriage is curtaining the trips to Chokkad Hirijan Colony.

(2) Check report dated, 24.03.2017 prepared by Asst. Motor Vehicle Inspector, Nilambur in respect of the Stag Carriage KL 59 C 5536.

(3) Inspection report prepared by Asst. Motor Vehicle Inspector, Nilambur dated., 14.03.2017, in respect of the Stag Carriage KL 59 C 5536.

This authority has considered the complaint, copy of check reports and also the submission of the learned counsel appeared for the permit holder in detail.

The Stage Carriage has regular permit, on the route, Chokkad Girijan Colony - Chemmad (touching Kunnumpuram from Vengara via Chinnampadi, Cheror and Achanambalam 2 singles) with the strength of permit No. 10/869/2014, valid from 19.02.2014 to 18.02.2019, with a set of settled timings.

A complaint has been received from Sri. Anikottil Unnikrishnan, Member, Chokkad Grama Panchayath, Chokkad, Malappuram Dt., alleging that the Stage Carriage KL 59 C 5536 is not conducting service to Chokkad Hirijan Colony. The complaint were enquired through the Joint Regional Transport Officer, Nilambur. The Assistant Motor Vehicle Inspector, Nilambur checked

the vehicle on 24.03.2017 and prepared check report against the curtailment of trips and violation of permit conditions. Hence, the Offence was compounded for Rs. 5000/- and charge memo issued to the permit holder on 12.05.2017. But, the Permit holder has not turned up to this Office for remitting the compound fee.

Again, as a part of the follow-up action, Joint Regional Transport Officer, Nilambur has again conducted enquiry on this complaint and submitted another report dated., 14.06.2017. This report reveals that the Stage Carriage KL 59 C 5536 is still curtailing the trips to Chokkad Girijan Colony and conducting service starting from Karuvarakundu, instead of from Chokkad Hirijan Colony. It is also stated that the permit holder is continuing the curtailment of trips to Chokkad Girijan Colony even after repeated directions.

In the open hearing of this authority, the learned counsel appeared for the permit holder has admitted the offences of his client and placed a request to condone the same and also assured that the same will not be repeated.

The complaint was raised by one of the peoples' representatives and the permit holder intentionally ignored repeated reminders and warnings of a statutory authority. We considered the matter with due seriousness. It is shocking to note that even with repeated reminders and check reports prepared against the permit holder, he has continuously curtail the trips to an interior Girijan Colony and violated the basic conditions of issuance of permit. The permit has to see that the permit is issued for the benefit of common travelling public and he is an operator of the permit as per the conditions stipulated and or attached to the permit. This authority wants to remind the permit holder further that nobody is above the legal framework of this country. We are of the common opinion that the holder of this permit is a habitual offender and is no longer qualifies to be the holder of a stage carriage permit. However, by canceling the above said permit, the travelling needs of common public will be affected and hence exempted the permit holder from such a major punishment. Considering the seriousness of the offences committed by the permit holder,

1) **Suspended the permit of the stage carriage KL 59 C 5536 for 20 days** as a preliminary step with immediate effect as per the provisions contained in Section 86 of Motor Vehicles Act. The Secretary, RTA will endorse the details of

the suspension in the permit document. During this period, the permit holder has to abstain from the conduct of the said stage carriage service. The Secretary, RTA is free to issue temporary permit for another stage carriage operator for this period in place this permit to have a continuous operation of stage carriage service for the benefit of travelling public.

2) Issue demand notice to the permit holder for clearing all the check reports with respect to the stage carriage KL 59 C 5536 and initiate procedures as per law, if he is not willing to remit the required fine, as expeditiously as possible.

3) Strictly observe the conduct of the service of this stage carriage and if there is any kind of permit violation is observed, further issue check reports and place the matter before this authority with due notice to the permit holder.

4) The decision of this authority has to be intimated to the permit holder and the complainant.

5) The permit holder is directed to intimate the place of garage of his vehicle to the Secretary, RTA during the period of suspension. The Secretary will make random checking with his agency to ascertain that the vehicle is not put on road during the period of suspension.

Item No.38

Heard. This is to peruse:- (1) The complaint lodged by Sri. Mammikutty s/o Abdurahiman Kulangaraveetil House, Vettom PO: Mangalam and Sri Rajan T.K. s/o Ayyappam, Thoppayikkattu house, Puthuparamba Edarikkode against the Stage Carriage, KL 56 6730 for violation of Rule 213 215 and 216 of KMV.

(2) Check report dated, 25/07/2017 prepared by Motor Vehicle Inspector, Tirurangadi in respect of the stag carriage KL 56 6730.

(3) Check report dated 23/08/2017 prepared by MVI Tirurangadi in respect of the Stage Carriage KL 56 6730.

This authority has considered this matter in detail and verified connected documents.

The Stage Carriage has regular permit is operating on the route, Tanur – Kozhikkode as Ordinary Service with the strength of permit no. 10/811/2001 valid from 14/12/2016 to 13/12/2021, with a set of settled timings. A complaint has been received from Sri. Mammikutty s/o Abdurahiman Kulangaraveetil House, Vettom PO, Mangalam and Sri Rajan T.K. s/o

Ayyappam, Thoppayikkattu house, Puthuparamba, Edarikkode that the Stage Carriage KL 56 6730 is not conducting service as per the settled timings. The vehicle is operating service as per D3 circular timing issued as per order No G2(D3)/1524/2013/M dated 25/02/2014. The S/C KL 10 N 5680 is also operating service on the route Tirur-Chaliyam with strength of R/P 10/838/1998 valid up to 10/06/2018. The registered owner of the s/c KL 10 N 5680 Mr. Rajan T.K. approached the Honble High court of Kerala against the time schedule issued in respect of the S/C KL 56 6730 and he produced the stay order against the D3 timings issued as per W.P.(C) 4491of 2017 dtd 10/02/2017

In compliance to the WP(C) No. 4491of 2017 dtd 10/02/2017 as per order number C8/1703/2017; dated 15/05/2017 the secretary RTA has cancelled the order No G2(D3)/1524/2013/M dated 25/02/2014 and direct the permit holder in respect of the stage carriage KL 56 6730 to conduct the service as per the timing proceedings issued vide order No G2/33565/2011/M dated 14/12/2001.

But now also many complaints have been received from the en-route operators that the vehicle is conducting service as per D3 timings which was cancelled by the Secretary, RTA. This was enquired by Motor vehicle inspectors of SRTO Tirur and Tirurangadi and reported that the complaint is genuine, many check reports have pending against this vehicle .It is also stated that the permit holder not obeying the order issued by the secretary RTA Malappuram.

1. This authority strictly directs the permit holder to operate service as per the time schedule issued to his stage carriage as per G2/33565/2011/M dated 14/12/2011. Intentional negligence from the part of the permit holder will consider with due seriousness.

2. The permit holder was absent in the open hearing of this authority. Hence issue a notice by registered post with due acknowledgement and/or directly serve a notice to the holder of the permit with respect to the stage carriage KL 56 6730 to appear before this authority in person in the next sitting and place this in the next sitting without fail. If the permit holder is not turned up for hearing before this authority, his authority will take a proper decision on the complaint in his absence as per law.

3. Issue notice to the permit holder for the check reports, demanding the compounding fee with immediate effect and if the permit holder is not willing to remit the fine, proceedings against the respective permit holder will be initiated.

4. Observe the conduct the service of the permit holder periodically and if he is still disobeying the order of the designated representative of this authority, place a detailed report with facts and figures against the permit holder in the next sitting of RTA and the same will be considered with due seriousness.

Hence further proceedings in this regard is **adjourned**.

Item No.39

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.40

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

Item No.41

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.42

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.43

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

Item No.44

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.45

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.46

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.47

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.48

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.49

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.50

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.51

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.52

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.53

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.54

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.55

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.56

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.57

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.58

Heard the learned counsel. This is to consider the application for the

1) transfer of the Stage Carriage Permit in respect of the vehicle KL 10 N 1591 operating on the route Thunchanparamba – Kuttippuram via Kadampuzha with the strength of regular permit No. 10/842/1998 valid from 04/07/2013 to 03/07/2018.

2) the replacement application KL 10 N 1591 with later model KL 55 V 7036

This authority has considered both the applications as per law and also verified the connected records and files.

Transferor is the owner of the stage carriage KL 10 N 1591, which is 2001 model and date of registration is 11/03/2002, which attained 15 years on 10/03/2017, tax paid up to 31/03/2017 and the stage carriage is in G form w.e.f 01/04/2017 to 01/04/2018. Permit 10/842/1998 of the vehicle is valid

up to 03/07/2018. Since the original stage carriage covered by the permit attained the age of fifteen years on 10.03.2017, such a permit is invalid from 11.03.2017, since there is no application for replacement of permit as on the said date. The application was submitted for replacement (hire agreement) on 04.10.2017 which was delayed by about seven months.

This authority could not find any valid reason to condone the delay occurred due to the laxity from the part of the permit holder.

In this context, the application for transfer of permit and also that for the replacement of the permit were **rejected**.

Item No.59

This is to clarify the decision of the of this authority held on 31/08/2017 vide item number 80 on the application for the transfer of the Stage Carriage Permit in respect of the vehicle KL 65 B 1677 operating on the route Ernakulam South Bus Stand-Kozhikode with the Strength of Regular Permit vide No. 10/5571/2001 valid from 29/10/2006 to 28/10/2011.

The above matter was placed before the RTA held on 31/08/2017 vide item number 80 and this authority has allowed the transfer of permit. However the validity of the permit was expired on 28.10.2011 and renewal of permit is mandatory for the transfer of the same. While typing the decision, there was an omission that the transfer of permit is subject to the renewal of the permit.

Thus, in the minutes of this authority held on 31.08.2017 in Item no. 80 is corrected as, the transfer of permit is allowed subject to the renewal of permit.

Further, the renewal applications of the regular permit in respect of the vehicle KL 65 B 1677 are pending for consideration. Now the service is operating with Temporary Permit u/s 87 (1) d as per the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) 23545 of 2017 dtd 17/07/2017 in which the route length is more than 140 Kms.

The Secretary, RTA will place the applications for renewal of this permit with detailed note and report of enquiry officers in the next sitting of this authority without fail.

Item No.60

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.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

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.64

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.65

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.66

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.67

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

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

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.70

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.71

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.72

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.73

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.74

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.75

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. 76

This is the request of the Secretary, RTA, Kozhikkode for the concurrence of this authority for the grant of **variation** of regular permit in respect of S/C KL 65 F 1027 operate on the on the inter district route Kuttikkadavu – Kozhikkode - Kollanchina. The permit holder has submitted an application for variation of permit including extension of the route from Kollanchina to Kunnumpuram, which is under the jurisdiction of this authority.

This authority considered the matter in detail. The route enquiry officer has reported that the distance from Kollanchina to Kunnumpuram is 7.2 Kms. There is no virgin portion. There is no overlapping with any of the notified sectors in the extended portion. However the existing permit overlaps with notified sector from Idimoozhikkal to Padikkal.

He has also reported that the route portion lying under the jurisdiction of this authority will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Trans dtd 14/07/2009 and further amended by G.O(P) No.08/2017/Tran dtd 23/03/2017. Therefore, Concurrence for the grant of proposed variation is granted subject to the effect of Clause (4) of notification No.42/2009 dtd 14/07/2009 and GO (P) No. 08/2017/ Tran dtd 23/03/2017. The primary authority shall ensure that the proposed variation will not violate of the notification No.08/2017/Tran dtd 23/03/2017.

Item No. 77

This is the request of the Secretary, RTA, Kozhikkode for the concurrence of this authority for the grant of **fresh** regular permit to operate on the inter district route Thiruvizhamkunnu – Perinthalmanna via. Valaippara, Ambalappara, KappuParambu, Kannankundu, Alanellur, Karyavattam and PattikkadChungam. Portion of the route from Nirannuparamba to Perinthalmanna via.Vettathur, Karyavattom for a distance of 17 Kms lies in the jurisdiction of this authority.

This authority considered the matter in detail. The route enquiry officer has reported that the There is no virgin portion. There is no overlapping with any of the notified sectors in the extended portion. He has also reported that the route portion lying under the jurisdiction of this authority will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Trans dtd

14/07/2009 and further amended by G.O(P) No.08/2017/Tran dtd 23/03/2017. Therefore, Concurrence for the grant of proposed fresh permit is granted subject to the effect of notification No.42/2009 dtd 14/07/2009 and GO (P) No. 08/2017/ Tran dtd 23/03/2017. The primary authority shall ensure that the proposed fresh permit will not violate any of the notifications No.08/2017/Tran dtd 23/03/2017 or any other relevant conditions to grant the fresh stage carriage permit.

Item No. 78

Heard. This is the request of the Secretary, RTA, Kozhikkode for the concurrence of this authority for the grant of **fresh** regular permit to operate on the inter district route inter-district route Areacode – Kozhikkode via. Pathanapuram, Eranhimavu, Mavoor, Poovattuparambu, Medical College, MofussilPalayam Bus stand. Portion of the route from portion of the route from Eranhimavuto Areacode 6.4 Kms lies in the jurisdiction of this authority.

This authority considered the matter in detail. The route enquiry officer has reported that the There is no virgin portion. There is no overlapping with any of the notified sectors in the extended portion. He has also reported that the route portion lying under the jurisdiction of this authority will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Trans dtd 14/07/2009 and further amended by G.O(P) No.08/2017/Tran dtd 23/03/2017. Therefore, Concurrence for the grant of proposed fresh permit is granted subject to the effect of notification No.42/2009 dtd 14/07/2009 and GO (P) No. 08/2017/ Tran dtd 23/03/2017. The primary authority shall ensure that the proposed fresh permit will not violate any of the notifications No.08/2017/Tran dtd 23/03/2017 or any other relevant conditions to grant the fresh stage carriage permit.

Item No. 79

Heard. This is to consider the request of Sister RTA Palakkad for the concurrence for renewal of regular permit to operate on the on the inter-district route Pattambi – Puthenpalli. This authority has considered the application, connected files and report of the enquiry officer in detail. As per the report of route enquiry Officer, portion of the route from Chekannur Pallippadi to Puthenpalli (22 Kms.) lies in the jurisdiction of RTA, Malappuram. Portion of

the route from Kandanakam to Edappal – 3.5 Kms; Athani to Puthenpalli – 7.5 Kms. and which are not objectionable as per G.O. (P) no. 8/2017/Tran.Dtd. 23.03.2017. Therefore, Concurrence for the grant of proposed renewal of permit is granted subject to the effect of notification No.42/2009 dtd 14/07/2009 and GO (P) No. 08/2017/ Tran dtd 23/03/2017. The primary authority shall ensure that the renewal of permit will not violate any of the notifications No.08/2017/Tran dtd 23/03/2017 or any other relevant conditions to renew the stage carriage permit.

Item No. 80

This is to consider the request of Secretary, Evergreen Arts and Sports Club, Pongallur P.O., Mampad for sanctioning a bus stop for Limited Stop Ordinary Services at Pongallur. The application was considered and verified the report of the enquiry officer.

Limited Stop Services are ordinary services and as per the request of the permit holder sanction is accorded to limit the number of stops with a condition that at least one stop in every fare stage. The list of stops can be decided for the permit holder and later, the Motor Vehicle Inspector will endorse the stops ensuring all important points are included in the list of stops proposed by the permit holder. Hence there is not a fixed list of stops for all LSOS services operating on a particular route.

Moreover Limited stop ordinary services are adopted to lessen the strain, tediousness and waste of time to long distance passengers Balan v. STAT Ernakulam – 1992 (1) KLT 733; 1992 (1) KLJ 703. This authority is of the view that increasing the number of stops will increase the running time. In this context, request for a common stop exclusively for LSOS cannot be considered.

Item No. 81

This is to consider the request of Headmistress, Assisi Higher Secondary School for deaf for sanctioning a bus stop near to the school located in Perinthalmanna – Valancherry Road. This authority has considered the request and verified connected documents including the report of the enquiry officer. As per the report, route enquiry officer has recommended a bus stop near to the school. Hence sanction is accorded for a bus stop near to Assisi Higher

Secondary School. A bus bay and a waiting shed has to be constructed in consultation with the local self-government authorities and Public Works Department as per law

Departmental Item. 1

The work done by the Secretary, RTA in accordance with the provisions stipulated as per Motor Vehicles Act and Rules is ratified.

Sd/-

Sri. Shaji Joseph, Deputy Transport Commissioner (C Z 1) & Member, RTA

Sd/-

Sri. Debesh Kumar Behera IPS, District Police Chief & Member, RTA

Sd/-

Sri. Amit Meena IAS, District Collector; Chairman RTA, Malappuram.