

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT  
AUTHORITY ERNAKULAM HELD ON 17-08-2024**

**Present:- Chairman-**

**Sri. N S K Umesh I.A.S., The District Collector, Ernakulam**

**Member:-**

**1. Sri. Anoop Varkey, Deputy Transport Commissioner  
[Law], CZ- II, Ernakulam.**

**2. Sri. Dr. Vaibhav Saxena IPS, District Police Chief,  
Ernakulam Rural, Aluva & Member RTA Ernakulam**

**Item No.01**

This is an application submitted by Sri. K O Biju, Kallara Areekkal House, Nedumbassery, Mekkad P O, Pin-683589 for the grant of fresh regular permit in respect of a suitable Stage Carriage having seating capacity 28 to operate on the route Infopark – HMT Jn- Manalimukku via Kakkanad, Vallathol, Thoshiba Jn, St. Paul College and Medical College as Moffusil permit. On perusal of the matter this authority fore rid that this item is considered as erratum item no-1 in this sitting of this authority. Hence this item is hereby disposed.

**Item No.02**

1) Perused the judgment in WP(C) No-5150/2024 of Hon: High Court of Kerala dtd.16/02/2024.

2) Heard the applicant. This is an application for fresh stage carriage permit on the route **Eloor Depot- Chilavannur Via** Kalamassery, Kaloor, Menaka, Jetty, South, Kadavanthra and Elamkulamas City Ordinary Service in the vacancy of stage carriage KBE 1591. The Hon: High Court of Kerala has in WP(C) No-5150/2024 dtd.16/02/2024 directed to place the application in the ensuing RTA meeting and to take a decision in accordance with law.

The applicant was heard today. The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of

a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over the route applied for overlaps notified routes Trivandrum-Palakkad, Trivandrum-Kannur of the scheme published vide G.O (P) No. 13/2023 Trans. Dtd. 03/05/2023 and the complete exclusion scheme relating to Ernakulam – Muvattupuzha scheme published vide G.O (P) No. 5/2017 Trans. Dtd. 21/02/2017 and Aluva – Eloor scheme vide notification-65600/60/TA-4 dtd.03/03/1961. The said overlapping is in violation of the provisions of the above scheme.

Having regard to the afore-said provisions of the Act and rule and the approved schemes and the judgments in Narayanan Vs RTA, Thrissur (Full Bench) 1980 KLT 249, the application is **rejected**.

### **Item No.03**

Heard the learned counsel representing the applicant. This application is for the grant of a fresh intra district stage carriage permit on the route Aniyil beach -Vyttila Hub Via Edavanakkad , High Court Jn and Ernakulam

South as Ordinary Moffusil Service having a total route length of 25 Km. The applicant has offered a ready vehicle bearing register number KL-07-AV-8181 owned by the applicant himself at the time of hearing today. The route applied for overlaps the notified routes North Parvur to Vyttila Hub in the approved scheme GOP NO 27/2023 Trans dtd. 27/11/2023 for a distance of 23.8 Km. But the said overlapping does not hit the approved scheme. Therefore permit is **granted** subject to settlement of timings.

#### **Item No.04**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Putheturiz-Water Metro -HMT Junction Via Karimughal, Infopark,Kakkanad,Watermetro,HMT Junctionas Moffusil permit.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of

section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore-said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )andNarayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority as prescribed in Form P.St.Sa. under section 70(2) of Motor Vehicles Act.

**Item No.05**

- 1)Perused the judgment in WP(C) No-43733/2024 dtd. 06/02/2024.
- 2)Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Kanakkankadav-Thiruthippuram-Malavia Malavana, Puthenvelikkara, Kuttichira bridge, poyya and Chenthuruthyas Ordinary Moffusil Service in the vacancy of stage carriage KL 05 W 7767.

At the time of hearing the learned counsel the representing the applicant offered a stage carriage KL 07 AP 7239 for getting the above permit. A portion of the route falls in Thrissur district for a distance of 7.8 Km and therefore prior concurrence of RTA, Thrissur is necessary for grant of permit.Call for concurrence, on receipt of which the matter shall be placed before this authority. Hence the matter is **adjourned**. By the time the applicant shall produce proof of ownership of the vehicle KL 07 AP 7239.

**Item No.06**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Pattimattom – Perumbavoor – Vyttila Hub via Infopark, Kakkanad, Pallikkara, Kizhakambalam, Pattimattom, Arackappady, Vengola, Allapra as Moffusilpermit..

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) and Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106). The matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority as prescribed in the form P.St.Sa. under section 70(2) of Motor Vehicles Act.

#### **Item No.07**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Aroor Temple – North Paravur

via Kumbalam, Vyttila, Bypass, Edapally, Manjummel Kavala, Koonammavu as Ordinary Moffusil Service.

The applicant was heard today. The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over no prior concurrence have been received from the RTA, Alappuzha. The said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station to Kakkanad via Cheranelloore signal Jn., High Court Jn. And Palarivattom As per clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted in private on the portion between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Therefore the route applied for is hit by the approved scheme. Moreover no vehicle owned by the applicant is in existence for being issued with a permit dealt with the Section

2(31) of the Act and meeting the requirements proposed in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) .Therefore the application is **rejected**.

#### **Item No.08**

Heard; the learned counsel who represented the applicant. This is an application for fresh stage carriage permit on the route North Paravur – Vyttila Hub Via Cheriappilly, Koonamavu, Varappuzha, Kunnumpuram, Edappally, Palarivattom Pipe Line-VyttilaHub as Ordinary Moffusil Service.

The applicant was heard. He has offered a ready vehicle bearing register number KL-17-B-6937 owned by the applicant himself at the time of hearing today.

Said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station to Kakkanad via Cheannelloor signal Jn., High Court Jn. And Palarivattom. As per clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted on the portion between Paravoor and Cheranelloor Signal Jn, for a distance of 13 Km. The route applied for is hit by the approved scheme and therefore the application is **rejected**.

#### **Item No.09**

Heard the learned counsel who represented the applicant. This is an application for the grant of fresh stage carriage permit on the route Aniyil Jn Edavanakkad - Vytila Hub Via Njarakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore-said provisions of the Act and rules and in the light of the principles laid down in judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 based on Narayanan Vs RTA, Thrissur (full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

#### **Item No.10**

Heard the learned counsel who represented the applicant. This is an application for the grant of fresh stage carriage permit on the route Kutungassery - Kakkanad Via Njarakal , Gosree Bridge , High Court , Kaloor , Palarivattom Via Puthiya Road as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the



prescribed form of permit in form P.St. Permit under Section 2(31) of the Act has to be issued to a motor vehicle obviously owned by the applicant.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before the matter is again taken up for final consideration.

#### **Item No.11**

Heard the learned counsel who represented the applicant. This is an application for the grant of fresh stage carriage permit on the route Kunjithai -North Paravur - Kottuvally- Vytilla Hub via Munambam Kavala – Chittattukara – Noth Paravur – KMK - Cheriappilly – Kottuvally – Thirumuppam - Varappuzha – Kunnumpuram – Edappilly – Palarivattam Pipe Line – Vytilla Hub as Ordinary Moffusil Service..

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and based the particulars laid down the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 based on the judgment in Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and othe particulars before this authority before the matter is again taken up for final consideration.

More over the applicant herself has requested for adjournment of the consideration of the application.

### **Item No.12**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Kunjithai -North Paravur- Vytilla Hub. Via Munambam Kavala – Chittattukara – Noth Paravur – KMK - Cheriappilly – Koonamavu – Varappuzha – Kunnumpuram – Edappilly – Palarivattam Pipe Line – Vytilla Hub as Ordinary Moffusil Service..

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the

ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

More over the applicant himself has requested for adjournment of the consideration of the application.

### **Item No.13**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Aniyil Jn Edavanakkad - Vyttila Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in the judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

#### **Item No.14**

Heard the learned counsel representing the applicant. This application is for the grant of a fresh intra district stage carriage permit on the route Aniyil Jn Edavanakkad - Vytila Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service having a total route length of 23.8 Km. The applicant has offered a ready vehicle bearing register number KL-07-BA-4149 owned by the applicant himself at the time of hearing today. The route applied for overlaps the notified routes North Parvur to Vyttila Hub for a distance of 23.8 Km and the said overlapping does not hit the approved scheme (GO(P) NO 27/2023 Trans dtd. 27/11/2023). Therefore permit is **granted** subject to settlement of timings.

#### **Item No.15**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Vyttila Hub-Kolenchery Bus Stand (via ) BY PassMedical Center ,Pipeline junction, Palarivattom Jn, Thammanam, Edapally signal ,Edapally Toll, Judgemeukku, Kanagarapady, Thevakkal, Pookatupady, Kizhakambalam, Pallikara, Morkkala, Pazhamthottam. Kadayiruppu, Manakkakadavu, Navodaya, Kakkanad and Vazhakala as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the

provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 ) and Narayanan Vs RTA, Thrissur (Full Bench) (1980 KLT 249) the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this before the matter is again taken up for final consideration.

#### **Item No.16**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Govt Medical College- Kavumthazham via HMT jn, BMC jn, Kakkanad, Chittetukara, Irimpanam Bus Station, Karingachira, Info Park Brahamapuram, Karimugal, and Kaninadu as Mofussil Service..

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

#### **Item No.17**

Heard; the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route route Njarakal -

Vytila Hub via Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.



### **Item No.18**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Veliyathaam Parambu Beach- Vytilla Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

### **Item No.19**

Heard; the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Puthecruiz- Kalamassery Medical College(Via) Karimugal- Brahmapuram – infopark –Kakkanad –Thoshiba Jn – HMT –Thoshibha jn as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other

particulars before this authority before the matter is again taken up for final consideration.

**Item No.20**

Heard the learned counsel representing the applicant. This is an application for VARIATION of permit in respect of stage carriage KL-40-2419 on the route Panangad-Aluva via Jetty as City service so as to operate eleventh trip starting from Panangad to Aluva via Edapally Bypass by curtailing the portion from Vyttilajn to Edapally signal via Menaka.

The application was considered by this authority in the meeting held on 23/12/2023 and again adjourned for calling specific report with regards to time gap of stage carriages on both Edapally-South-Vyttila and Edapally-Bypass-Vyttila routes. The Secretary caused an enquiry through Motor Vehicles Inspector. As per the enquiry report submitted, there were no services conducting from Panangad to Aluva through bypass in proposed time and also reported that the proposed curtailment will reduce traffic and reduce the overlapping by 12.1 km in notified scheme. According to him the curtailment in the 11th trip from vyttila to Edapally jn would not adversely affect the travelling public. Under the circumstances variation granted subject to settlement of timings.

**Item No.21**

Heard the learned counsel representing the applicant. The existing route is Ponekkara to Kumbalangi Via Boat Jetty, South, Perumpadappu, W Island as City service. The permit holder has applied for a variation by deviation. So as to operate via Madam Jn to Kaloore via Perandoor Pottakuzhi by avoiding route portion from Madam Jn to Kaloore via Changapuzha Nagar, Mamangalam and Palarivattom. The said variation is sought for the 9th trip from Ponekkara to Kumbalanghi. There is hardly 1 Km difference between the original portion and the deviated portion. The variation is granted subject to settlement of time to the extent necessary if any.

**Item No.22**

Heard the learned counsel representing the applicant. This is a case of variation by deviation variation by extension of existing route covered by a valid permit. The existing route is Aluva -Chittoor Temple via Pathalam, Eloor, Kunnumpuram ,Manjummal Kavala and Cheranalloor, The existing permit is covered by a time schedule encompassing the intermediate points of the said route with 12 trips. The permit had been granted after due consideration of the necessity of a stage carriage service on the route Aluva – Chittoor Temple and the advantages offered to the public by the introduction of such service. The permit holder had been struggling hard from 19/02/2019 for altering the route and for varying the trips to various other destinations, which did not fall within the route, presumably to earn more and more profit out of the service, at the cost of the inconvenience of the public .

The decisions taken by this authority were often challenged before the Hon'ble STAT on various counts. The directions and orders passed by the Hon'ble STAT and other appropriate forums were promptly complied with this authority.

Certain objections filed by Cheranalloor Grama Panchayath President were also subjected to test by this authority.Fresh enquiries were conducted on the basis of the direction by the Hon'ble STAT in MVAA No.103/2020, MVAA No.40/2022.

However, the matter is considered by this authority on the basis of the direction containing in MVAANO 40/2022.

This Authority heard the applicant. He has sought for variation of 6 trips to places other than those falling within the route Aluva – Chittoor Temple, so as to traverse the places like Vyttila Hub, Chittoor Temple. The entire time schedule will have to be changed to the detriment of public

interest and at the cost of the convenience of other stage carriage services operating on portions of such routes, though section 80(3) of the MV Act provides for variation of existing permits. The permit holder is not entitled to any variation seeking multiple changes in the basic route and the original time schedule. The permit holder appears to have sought for 5 termini which is opposed to provisions contained in sec 2(38) of the MV Act. This authority considered the following matters for granting or not, variation of the route as well as the changes in the trips and times in the light of the provisions of sub rule( 6)(7) of Rule 145 of the KMV Rules.

1. In this case no new circumstances have ever arisen, since the route was decided such as the construction of a bridge or road which warranted the grant of such variation.
2. The transport requirements of the route or area covered by the permit have not changed or dwindled.
3. No new permits have been issued on identical route resulting in sudden decline in the earning of the bus operators.
4. The objections filed by the President Cheranalloor Grama Panchayat objecting to the variation of trips and timings of the said bus was considered on merit. The complainant was concerned with the absence of the existing services in and around this locality which was found to be a good and sufficient ground for making such representation.

The fresh enquiry made by the officers of the RTA in compliance with the order of Hon'ble STAT also has revealed inconvenience likely to cause on account of such variation and also apprehends further congestion in traffic in the city limits. The report explicitly speaks for disallowing the variation sought for. This authority is convinced that there do not exist any circumstances warranting the grant of variation of route or variation in trips. Hence **rejected**.

**Item No.23**

Heard the learned counsel representing the applicant. The application is for the grant of variation of the route by extension from High Court Jn. to Vyttila Hub, **Granted** subject to the settlement of timings.

**Item No.24**

Heard the learned counsel representing the applicant and objectors. The original route is Match factory-- Perumbavoor via Match via Kalady, Kanjoor, and Parappuram, as ordinary mofussilservice . The application has sought for the deviation of the said route for the second trip from Perumbavoor as 'Perumbavoor- Vallam – Vallam Kadavu bridge- Kanjoor and kalady" is sanctioned.

The variation in timings and curtailment sought for are rejected since there does not exist any circumstances laid down sub rule (6), (7) of Rule 145 of Kerala Motor Vehicles Rule which warranting the grant of said variation.

**Item No.25**

Applicant absent. Adjourned.

**Item No.26**

Heard the learned counsel representing the applicant. This is the application for variation of regular permit in respect of stage carriage KL 41 T 6981 operating on the route Aluva-Ernakulam as Mofussil permit on the strength of regular permit valid upto 20-12-2024. The permit is desired to be varied so as to operate Trip No.04 from Tripunithura to Kakkanad via Kringachira, Irumpanam instead of Kaloor and to operate Trip No.05 to operate from Kakkanad to Tripunithura via Irumpanam, Karigachira instead of Kaloor. The variation is likely of result in objectionable overlapping on the notified route Muvattupuzha Ernakulam (GO (P)

No.05/2017/Trans dated 21/02/2017). So the application for variation of permit is **rejected**.

**Item No.27**

Heard the learned counsel representing the applicant. This is an application for variation of the route Kurusumudi – Perumbavur – Vattaprambu as accompanied by a revised time table. The applicant does not seem to have furnished any cogent reasons for the variation of the route. Nor has he put forth any such grounds at the time of hearing.

Though the enquiry report reveals that the said variation is convenient for the public, no new circumstances enumerated in rule 145(6) of the KMV R. have arisen ever since the permit was originally granted. There is no substance to show that the proposed variation would provide any additional benefits to the public. Hence rejected.

**Item No.28**

Heard the learned counsel representing the permit holder of stage carriage **KL 07 BA 7259**. The application is for variation of route by extension from High Court Jnto Vyttila Mobility Hub via Menaka, Kadavantra.

Variation of permit is **granted** subject to the settlement of timings.

**Item No.29**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of stage carriage KL 04 X 8586 permitted to operate on the route Chennur- Kodungallur via Varapuzha, Chettibagam, NorthParavur, Moothakunnam. The permit is desired to be varied so as to operate by curtailing Varapuzha, Chennur, in some of the trips and proceeding to Puthenvelikkara, via North Paravur Municipal Junction, Kannankulangara, Cheryapallamthuruth, KoottukadKettidam, Chalippadam, Chendamangalam Temple, Karippayikadavu, Station kadavu, Puthenvelikkara accompanied by a

revised time table. He does not seem to have furnished any cogent reasons for the variation of the route in his application. Nor has he put forth any such grounds at the time of hearing.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in route or variation in time Schedule There is no substance to show that the proposed variation would provide any additional facility or convenience to the public. There is no prohibition or restriction in granting another permit on the portion from Paravoor to Puthenvelikkara. Therefore the application for variation of the existing permit is rejected.

### **Item No.30**

1) Heard the applicant. This is an application for **Renewal** of regular permit in respect of stage carriage KL-05-W-0207 plying on the route Elappara - Veegaland Via Vagamon Erattupetta Pala Uzhavoor Monippally Elanji Piravom Mulamthuruthy Nadakkavu , Trippunithura Vyttila M G Road KaloorPalarivattam&Kakkanad. The regular permit was valid upto 21/07/2019, and the application for renewal was filed on 18/06/2019,. Renewal **granted**.

2) The application for grant of temporary permit will be considered by the Secretary, RTA having regard to the circumstances under section 87 of the MV Act.

### **Item No.31**

Heard the applicant. The permit was valid upto 17/11/2023. But the application for renewal was received on 07/12/2023, that is, 36 days after the due date for submission of the application. The applicant has applied for condonation of the delay occurred. Delay is condoned and renewal is granted.



### **Item No.32**

Heard; the applicant in connection with the transfer of permit consequent on the death of permit holder and renewals of permit in respect of stage carriage KL-17-A-6056 permitted to operate on the route Chittoor Ferry-Arookutty The delay occurred in the production of the permit for making the endorsement of transfer is **condoned**.

Renewals of permit as per the applications are **granted**.

The replacement of the route bus by another bus KL 36 E 6529 is **rejected**. Since the proposed vehicle KL 36 E 6529 is not owned by the permit holder. More over a lease agreement even if in existence does not entitle to a person to have a permit in respect of the vehicle held on the strength of lease, according to the judgment in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106).

### **Item No.33**

Heard the applicant in connection with the renewal of stage carriage permit valid upto 30/11/2023 in respect of of stage carriage KL 39 A 6991 on the route Poothotta - Menaka- Kaloor as ordinary city Service . The application for renewal was received on 21/12/2023 which was not in time. The applicant has requested for condoning the delay. Delay is **condoned** and renewal is **granted**.

### **Item No.34**

Heard the applicant, in connection with the renewal of permit in respect of stage carriage **KL-48-5948** permitted to operate on the route N Paravur-Manjaly- Manjapra. The permit was valid upto 14/12/2013. The renewal of the permit was sought for from 15/12/2013 onwards regularly. So far it has not been renewed by this authority, since the route overlaps the notified route Aluva - Vadakkumpuram (Notification No 27106/TA2/65/PW Dated 17/06/1965) for a distance of 1.5 Km from North Paravoor to Vedimara. The matter has come up again for reconsideration. It appears that there are three applications for renewal for the period from

15/12/2013 to 14/12/2021, for the period from 15/12/2018 to 14/12/2023 and from 15/12/2023 to 14/12/2028.

The decisions on the applications for renewal were adjourned from time to time on a representation that the modification of the approved scheme was under consideration by the government. So far no order of modification of the scheme or direction whatsoever has been received enabling the renewal of permit. Under the circumstance The secretary RTA will personally examine and report within 1 month the extent of overlapping on the route Aluva -Vadakkumpuram and the feasibility of deviating the route of the private operators from North Paravoor to Veditamara without offending the approved scheme. The details of all permits so overlapping the notified route North Paravoor and Veditamara shall be furnished. Matter **adjourned**.

#### **Item No.35**

Heard; the applicant in connection with the renewal of permit in respect of stage carriage KL 05 S 7601 permitted to operate on the route Aluva - Kottayam NAD, HMT Jn, Kaloor, Tripunithura, Kanjiramattam as Moffussil Service. O.S. number 46/2023 dtd.12/04/2024 of the Municipal court does not restrain this authority from effecting transfer of ownership or transfer of permit of the said vehicle. Under the circumstance the permit is renewed subject to the payment of prescribed fees. Replacement of the route bus is also granted subject to the payment of prescribed fees.

#### **Item No.36**

Heard; the applicant in connection with the renewal of permit in respect of stage carriage **KL 09 AH 8686**.

The delay in filing application is **condoned** and renewal is **granted**.

#### **Item No.37**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-BW-1035**,

operating on the route Aluva - W Siland, is **permitted** subject to the clearance of dues to Government, if any.

**Item No.38**

1. Heard the learned counsel representing the proposed transferee. **Transfer of Permit (Death Transfer)** in respect of Stage carriage **KL-17-A-1015** operating on the route Mundamveli - Chellanam, is **permitted** subject to the clearance of dues to Government, if any.

2. Considered the application for replacement of vehicle in respect of Stage Carriage KL-17-A-1015 with later model stage carriage KL-45-B-4656.

The replacement is **granted** subject to the condition that the incoming vehicle shall be owned by the permit holder and that the dues to the Government if any is cleared.

**Item No.39**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-17-F-0707**, operating on the route Vyttila-Vyttila Via Kadavanthra, Soth Jn, Boat Jetty, Highcourt Jn, Kaloor, Palarivattom And Chakkaraparambu Starting And Halting Place Is Chottanikkarais **permitted** subject to the clearance of dues to Government, if any.

**Item No.40**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-17-F-1490**, operating on the route Aluva - Thevara Jn Via Kombara , Nad Colony ,Kalamassery R Station ,Hmt Jn ,Edappally,Mg Road,Pallimukku, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Item No.41**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-41-1947**, is **adjourned** until the permit is renewed.

**Item No.42**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-41-C-1999**, operating on the route Poothamkutty - Chully Via Devagiri, Mukkannoor, Karayamparambu, Angamaly, Kidagoor And Manjpraas MOFFUSIL service, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Item No.43**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-41-D-1233**, operating on the route Elavanthy - Angamaly Via Manjapra, Kalady etc is **permitted** subject to the clearance of dues to Government, if any.

**Item No.44**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-43-B-0439**, operating on the route Perumpadappu - Fort Kochi Via Thoppumpady And Palluruthyas City service on the strength of regular permit, is **permitted** subject to the clearance of dues to Government, if any.

**Item No.45**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BB 4622**, operating on the route Chittethukara – Fortkochi via Kakkanad, Palarivattom, Kaloor, Menaka and Padma, is **permitted** subject to the clearance of dues to Government, if any.

**Item No.46**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BF 2777**, operating on the route Wonderla Veegaland - Chellanam via Kakanad, Irumpanam, Thrippunithura etc is **permitted** subject to the clearance of dues to Government, if any.

**Item No.47**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 10 Z 4318**, operating on the route Pookkattupady- Eramalloor via Edappally Toll, Kaloor, M G Road, etcis **permitted** subject to the clearance of dues to Government, if any.

**Item No.48**

Applicants absent. **Adjourned .**

**Item No.49**

Heard the learned counsel representing the proposed transferee. **Transfer of Permit (Death Transfer)** in respect of Stage carriage **KL 16 M3400** operating on the route Cherai Beach- Vyttila Hub via Cherai, Perumbandanna, Kanannchiraetc, is **adjourned** for the following reasons

1. The consent executed by the survivors is to transfer the ownership of the vehicle and not for the transfer of permit.
2. Consent shall be in the form of an affidavit duly signed by the survivors before the Secretary, RTA.

**Item No.50**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 05 U 5898**, operating on the route South Chittoor Temple- Edakochi, is **permitted** subject to the clearance of dues to Government, if any.

**Item No.51**

Heard the learned counsel representing both the transferor and proposed transferee. Decision on Transfer of permit in respect of Stage carriage **KL32D 6660**, is **adjourned** until the permit is renewed.

**Item No.52**

Applicants absent. **Adjourned**

**Item No.53**

Heard the learned counsel representing the proposed transferee. **Transfer of Permit (Death Transfer)** in respect of Stage carriage **KL 06 D 9855** operating on the route Kumbalangi – Palarivttom as Town / City service, is **adjourned** for the following reasons

1. The consent executed by the survivors is to transfer the ownership of the vehicle and not for the transfer of permit.
2. Consent shall be in the form of an affidavit duly signed by the survivors before the Secretary, RTA.

**Item No.54**

Heard the learned counsel representing the proposed transferee. This is the application for transfer of permit on the death of the permit holder in respect of Stage carriage **KL 07 BE 9599** operating on the route Manakkakadav-Mattancherry via Kakkanad, Palarivattom, Kaloore, Boat Jetty, Thoppumpady as Town / City service. The person succeeding to the possession of the vehicle covered by the permit has intimated the death of the permit holder within the specified period of 30 days. But the successor of the permit has not filed any application for transfer of permit within a period of three months as stipulated in Section 82 of the MV Act 1988. He has failed to furnish any good and sufficient reason for not making the application in time. The so called successor ceased to have any right to operate service

beyond 3 months from the date of death of the permit holder. The matter is **adjourned** for reconsideration on an application made if any for condoning the delay occurred. Secretary RTA will cause an enquiry as to the continuous service or gap after the lapse of 3 months mentioned above.

**Item No.55**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BF 9824**, operating on the route Aluva- Fort Kochi' as Town/City service, is **permitted** subject to the clearance of dues to Government, if any.

**Item No.56**

This item was already considered and decision has taken.

**Item No.57**

This is the application submitted by Sri. Sunil Thomas, Padamattummal House, Vadakkekara P O, Chettikkad, North Paravur for the grant of 4 month temporary permit in respect of a "Suitable Stage Carriage" to operate on the route Chettikkad – Munambam via Moothakunnam, North Paravur, Cherai as Ordinary Moffusil Service under sub-section (2) of section 99 of the Motor Vehicles Act, 1988. The application is not maintainable since the proposed scheme had been approved and notified vide G.O.(P) No-27/2023/TRANS dtd. 27/11/2023 Hence the application is hereby **returned**.

**Item No.58**

This is the application submitted by Secretary, RTA, Idukki for concurrence of this RTA for allowing fresh permit on the route Aluva - Poopara, which is granted; without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Item No.59**

This is the application submitted by Secretary, RTA, Idukki for concurrence of this RTA for allowing fresh permit on the route Poopara - Vyttila Hub, which is granted; without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Item No.60**

This is the application submitted by Secretary, RTA, Idukki for concurrence of this RTA for allowing fresh permit on the route Erattayar- Ernakulam Vyttila Hub, which is granted; without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Item No.61**

This is the application submitted by Secretary, RTA, Alappuzha for concurrence of this RTA for allowing variation of Regular permit on the route Mathilakam – Vyttila via KVM, Cherthala Pvt. Stand, Vayalar, Thuravoor, Chavady, Eramalloor, Aroor Church and Kumbalam, which is granted; without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Item No.62**

Heard the applicant. This authority has no power either to extend the time or permit the out modified vehicle to continue service. Request is **rejected**.

**Item No.63**

Heard the applicant. This is the application to revoke the sanction granted for Transfer of Permt in respect of stage Carriage KL 40 A 8765. The sanction is **revoked**.



#### **Item No.64**

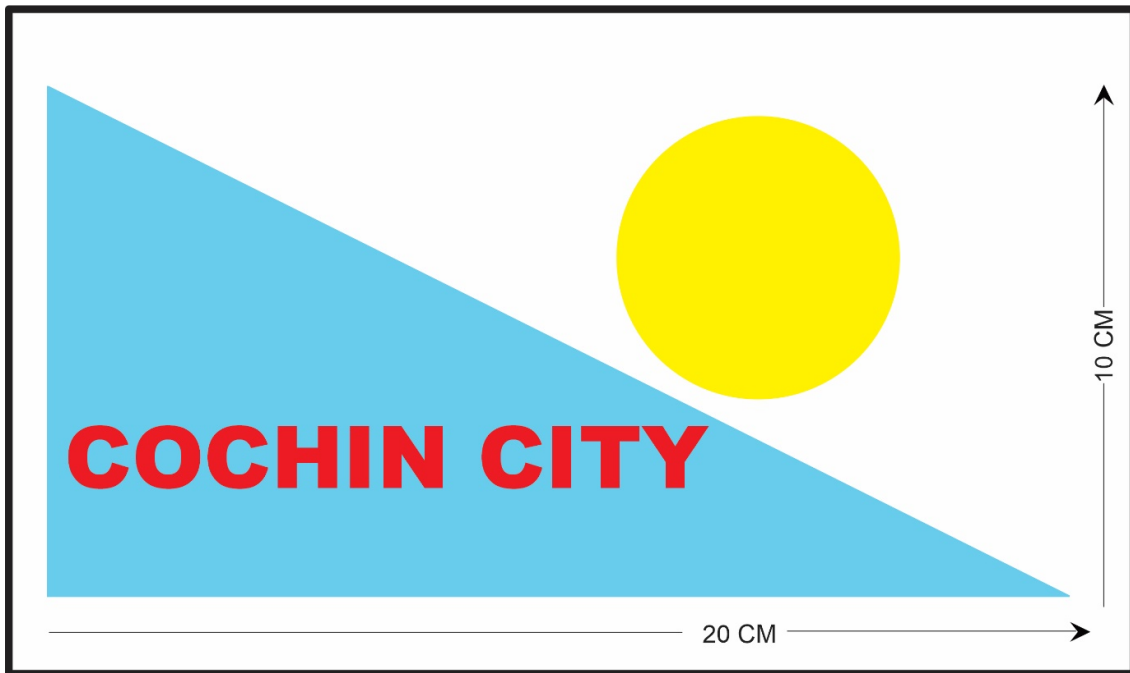
#### **Preamble for the grant of city permits to autorickshaws (LPG/ LNG/ CNG/ Electric) for operating within city limits.**

The state government have vide G.O.[P] No. 41/2018 / Trans dated 22/11/2018 raised the limit of autorickshaws for Cochin city by 3000 exclusively for LPG/ LNG/ CNG/ Electrically operated of which 2000 shall be for electrically operated autorickshaws and 1000 for LPG/ LNG/ CNG fuel autorickshaws . Therefore Secretary, RTA carried out a detailed study on the modalities on which such permits may be issued to concerned type of vehicles. The norms formulated by Secretary, RTA was challenged before Hon'ble High Court of Kerala. The Hon'ble court was pleased to accept the norms excepting 3 proposals.

In view of the order of Hon'ble High Court of Kerala in WP(C) No- 8352/2021 dtd.26/11/2021 it has become necessary to revise the norms for allotment of permit to different types of autorickshaws in the form of this preamble.

1. No person other than a registered society or KMRL shall be exhibited to more than one permit either electrically operated or otherwise.
2. The allotment of 3000 city permits shall be made in the following ratio.
  - a. Applicants of General category -65%
  - b. Applicants belongs to SC/ST -10%
  - c. Registered Societies – 15%
  - d. KMRL - 10% (Electrical vehicles only)
3. The vehicles allotted under this scheme shall ordinarily be stationed in any of the approved autorickshaw stands in the city or at the owner's premises.

4. Every autorickshaw covered by this order of allotment as well as those plying under permits issued earlier shall exhibit a special distinguishing mark of the Corporation of Cochin with a bonnet number of proportionate size in black figures on a circular yellow background more fully described below.. The said distinguishing mark and bonnet number shall be exhibited on the front left half of the coul at a height of 80cm from the ground on which the vehicle rests.



5. Assignment of bonet numbers to the newly allotted ones shall be in continuation of the existing bonet numbers assigned to other vehicles..

6. Every driver of the autorickshaw issued with city permit shall wear the name plate on the right chest of the uniform worn by him while on duty.

7. No vehicle which has attained more than 7 years of age shall be entitled to allotment of Cochin city permit under this scheme of the Government.

**Item No.65**

The request for granting permission for a Pay & Park does not fall within the jurisdiction of RTA and hence deferred.

**Item No.66**

Heard. The request is declined. Since service roads are not meant for providing regular stage carriage service.

**Item No.67**

Ratified.

**Item No.68**

No other items allowed by Chairman RTA

**Item No.69**

The next meeting of RTA is fixed as 17/11/2024.

**Addl. Item No. 01**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route routeAniyil Jn Edavanakkad - Vytila Hub Via Narakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a

vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 02**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route NorthParavoor –Vyttila Hub-Panagad (via)Cheriyapilly, Koonamavu, Varapuzha, Kunnumpuramjn, Edapally Signal, Pipe Line Jn, Medical center , Vyttila jn, Kundanoor and Madavana as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps the notified route North Paravoor KSRTC Bus station to Kakkanad of the approved scheme published vide G.O.(P) No-27/2023/TRANS dtd.27/11/2023 for a distance of 13 Km from Paravoor to Cheranelloor Signal. As per the clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted on the portion between Paravoor and Cheranelloor Signal Jn. Therefore the application is **rejected**.

**Addl. Item No. 03**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route route Aniyil beach Edavanakkad - Vyttila Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service..

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the aforesaid provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

#### **Addl. Item No. 04**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route routeChathamman-Irumpanam North.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 05**

Heard the learned counsel representing the applicant. This is an application for grant of fresh intra district regular permit on the route Perumbavoor-Vyttila Hub (via) Palakkattuthazham, Chembarkey, Pookatupady, Thevakkal, Kanagarapady, Navodaya, Kakkanad, Vallathol junction, Toll junction, Judgemukku, Edapally junction, Edapally gate, By Pass- Pipe line junction as Mofussil Service.

The matter was considered by this authority in the meeting dtd. 23/12/2023 vide item number-05 and adjourned for specific report with the remarks that there is an overlapping of 1.6 Km with the schemes as per GO

(P) NO 13/2023/Trans dated 03-05-2023, which is very close to the permissible limit.

In view of the decision, Secretary, RTA caused an enquiry as to the objectionable overlapping. The overlapping on the notified route was found to be the permissible limit.

Several objections have been received against the grant of proposed permit. But the objections are unsustainable. The objectives of the MV Act 1988 postulated liberalization grant of permit on non-nationalised routes. There is no legal impediment in granting the permit. More over at the time of RTA meeting the applicant himself offered a suitable stage carriage KL 07 AZ 580 for getting the above permit.

Therefore permit is **granted** subject to settlement of timings.

**Addl. Item No. 06**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Mecherimugal - Vyttila Hub.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any



public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the aforesaid provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before the matter is again taken up for final consideration.

The route applied for is not specific is as much as it is proposed to operate from HMT. Jn to Vazhakkala and Pipe line road. The applicant is given an opportunity to specify the route accurately and modify the time schedule accordingly as per Section 2(38) of MV Act 1989. More over the virgin portion 1.9 kms from MalayidamThuruthu Public Library school to Mecherimugal is virgin portion is not covered by fitness certificate from the competitive authority.The applicant is granted an opportunity to supply the omissions.

#### **Addl. Item No. 07**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route routeAniyil Jn Edavanakkad - Vyttila Hub Via Narakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service..

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No

person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the principles laid down in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 08**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route route Kaninadu-Kakkanad Via Karimugal, Infopark Phase-II, Kinfra and Infopark as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 09**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeKolenchery – Kizhakambalam – Kakkanad – Kalamassery Medical College .

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

The principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )andbased on the judgment in Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 is that the applicant for a stage carriage permit is legally bound to furnish the registration and other particulars of the vehicle offered by him, , before this authority before this authority before the matter is again taken up for final consideration. The

applicant has not complied with the principle. However the matter is **adjourned** for compliance.

**Addl. Item No. 10**

Heard the learned counsel representing the applicant. This is an application for grant of fresh intra district regular permit on the route Karimugal – Vyttila Hub via Kadamprayar Bridge –Carnival jn –Vikas Vani –Thevakkal Jn- Edappalli Toll –Edappalli Jn– Pipeline jn – Vyttila Hub – pipeline – Kakkanad Carnival jn –Karimugal as Mofussil Service.

The application submitted in form Pst.sa does not contain the registration number and other particulars of the vehicle for which the permit is sought for. Instead she has offered a ‘suitable vehicle’ which is not in existence.

At the time of hearing the applicant offered a stage carriage vehicle bearing register number KL 58 A 3288 before this authority as if she had owned the said vehicle. On verification it is found that the said vehicle doesn’t stand registered in the name of the applicant. It stands registered in the name of Sri. Muneer. Therefore the applicant is not the owner of this vehicle as required in Section 2 (30) and Section 66(1) of the MV Act 1989. Ownership of the vehicle is a condition precedent for the grant of permit.

According to Section 66(1) of the MV Act 1989 no person other than the owner of a motor vehicle can be authorised to use the vehicle as a transport vehicle. Having regard to the aforesaid provisions of the MV Act and Rules and the form of permit in Form Pst and in the light of the judgment of the Hon: High Court of Kerala in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) the application is **rejected**.

**Addl. Item No. 11**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeKumbalam North-Medical College, Kalamassery.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St. That is to say that the ownership of the vehicle offered is a condition precedent to grant a permit.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof

before this authority before this authority before the matter is again taken up for final consideration.

The applicant shall also specify the route with intermediate places and limiting the number of termini as two in terms of Section 2(38) of the MV Act- 1989, with the modified schedule of timings.

**Addl. Item No. 12**

Heard the applicant. This is an application for fresh stage carriage permit on the route Panangad – Cheranalloor via Madavana, Kundannur, Vyttila, Menaka, Edappally as City Ordinary Service.

The applicant was heard today. The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St. Ownership of the vehicle offered is a condition precedent for the grant of permit as laid down in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106).

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of

section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over the proposed route violates the notified route Muvattupuzha -Ernakulam complete exclusion scheme published vide G.O (P) No. 5/2017 Trans. Dtd.21/02/2017 in as much as it overlaps the said route from Vyttila to Valanjambalam Jn. and the notified route Thiruvananthapuram -Kannur vide GO(P) No-13/2023 dtd. 03/05/2023 in as much as it overlaps the said route from Madhava Pharmacy Jn. To Edappally Station Kavala for a distance of 4.2 Km. The said overlapping is violation of the approved schemes. Hence **rejected**.

### **Addl. Item No. 13**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Panangad Bus Stand – Thathapilly via Vyttila Hub, Edappally Jn., Manjummel Kavala, Varapuzha, Koonamavu, Kongorpilly and Karingamthuruthuas Ordinary Moffusil Service.

The applicant was heard today. The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.



The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from Cheranelloor Signal Jn. to Koonammavu for a distance of 4 Km on the notified route North Paravoor KSRTC Bus station - Kakkanad published vide G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted in private sector on the portion between North Paravoor and Cheranelloor Signal Jn. Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 14**

Heard; the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route **Mulamkuzhy-Kalady - Athani via Airport** as Ordinary Moffusil Service..

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him in compliance with the principles laid down in judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 ). No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St. Ownership of the vehicle offered is condition precedent for the grant of permit.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any

public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before this authority before the matter is again taken up for final consideration.

Moreover the applicant shall re-arrange the time schedule between two termini as defined as required U/S 2(38) of the MV Act-1989 and furnish a time schedule to the extent necessary.

#### **Addl. Item No. 15**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh Inter district Ordinary Moffusil permit on the route Kodungallur – High Court Jn via Moothakunnam, Maliankara, Pallipuram, Cherai, Njarakkal, Murukkumpadam, Valappu, Elamkunnappuzha, Kudungassery, Aniyal as Ordinary Moffusil Service.

At the time of RTA meeting the applicant himself offered a suitable stage carriage KL 45 C 4244 for getting the above permit. A portion of the route falls in Thrissur district for a distance of 4.5 Km and therefore prior concurrence of RTA, Thrissur is necessary for grant of permit. Call for concurrence. On receipt of which the matter shall be placed before this authority. The matter is **adjourned**.

**Addl. Item No. 16**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Ezhikkara \_ Vyttila Hub via EzhikkaraByepass, Kaitharam School, Thrikkapuram Temple, KottuvallySouth, Thirumuppam, Varappuzha, Kunnumpuram, Edappally, Palarivattam Pipe Line, Vyttila Hub as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St. That is to say that ownership of the vehicle offered is condition precedent for grant of permit.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from Cheranelloor Signal Jn. to Thirumuppam for a distance of 5 Km on the notified route North Paravoor KSRTC Bus station to Kakkanadof the approved scheme published in G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved

scheme no fresh permit shall be granted on the portion between Cheranelloor Signal Jn. And KSRTC Bus station, North Paravoor .Therefore the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 17**

1)Perused the Order of Hon'ble High Court of Kerala in WP(C) No.36828/2023 dtd 07/11/2023.

2)Heard; the learned counsel representing the applicant. This application is for the grant of a fresh intra district stage carriage permit on the route Plantation Post Office Jn-Angamaly-Kalady-Manjapra-Ayyampuzha-Pandupura via Manjina, Kannimangalam, Naduvattom,Thuravoor, Chendrapera, Thavalappara and Pullanias Ordinary Moffusil Service having a total route length of 55.3 Km. He has offered a ready vehicle bearing register number KL-02-R-7477 owned by the applicant himself at the time of hearing today. The route applied for overlaps from Angamaly Stand to Chippy Jn which is 1.8km and the portion from Kalady Jn to Kalady stand which is 200 mtr in length are with Kottayam-Kozhikode and Ernakulam-Thrissur notified schemes published vide GO (P) NO 13/2023 trans dated 03-05-2023 [Total overlapping is 2.00km]. But the said overlapping does not hit the approved scheme. Therefore permit is **granted** subject to settlement of timings.

**Addl. Item No. 18**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeMulamkuzhy-Kalady-Athani via Airport as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the

provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before this authority before the matter is again taken up for final consideration.

#### **Addl. Item No. 19**

This is an application submitted by Sri.Junaid.P.U., Padinhare Puthu Veede.P.O. Poochakkal for the grant of fresh regular permit in respect of a "Suitable Stage Carriage" having seating capacity not less than 38 to operate on the route Chathamma- Manalimukku- Varapuzha (Panangad-Madavana-Kundannur- Vyttila- Edapilly junction-Edapilly Toll- Kangarapady-Medical College Thattampadi-Varapuzha Bridge) as Mofussil Service. On perusal of the matter this authority has perceived that this item is considered as

erratum item no-2 in this sitting of this authority. Hence this item is hereby disposed.

**Addl. Item No. 20**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Kizhakambalm- Manalimukku (via) Kakkanad, Vazhakala, Piple line Jn, VytilaHub, Edapallysignal, Manjummel Kavala, Varapuzha, North Paravoor, Info Park, Karimugal, Hmt JN and Medical College as Moffussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station

to Kakkanad for the approved scheme published vide G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. For a distance of 13 Km. Therefore the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 21**

Heard the learned counsel representing the applicant. This is an application for grant of fresh intra district regular permit on the route Kolenchery - Medical College Kalamassery Via Kadayiruppu , Kaninadu , Karimugal , Info Park , Kakkanad , Thoshba Jn , HMT JN as Mofussil Service.

The application submitted for permit in form Pst.sa does not contain the registration number and other particulars of the vehicle for which the permit is sought for. Instead she has offered a 'suitable vehicle' which is not in existence.

At the time of hearing the applicant offered a stage carriage vehicle bearing register number KL 35 3482 before this authority as if he had owned the said vehicle. On verification it is found that the said vehicle doesn't stand registered in the name of the applicant. It stands registered in the name of another person. The applicant seems to have attempted to deceive this authority by offering a vehicle not owned by him.

According to Section 66(1) of the MV Act 1989 no person other than the owner of a motor vehicle can be authorised to use the vehicle as a transport vehicle. Having regard to the aforesaid provisions of the MV Act and Rules and the form of permit in form Pst and in the light of the judgment of the Hon: High Court of Kerala in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) the application is **rejected**.

**Addl. Item No. 22**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Kakkanad- North Paravoor- Vytila Mobility Hub via Cheriyaipilly- Koonamavu- Varapuzha Bridge , Cheranalloor Signal- Kunnumpuramjn, Edapally signal- Pipeline jn- Medical Center Vytila Jn- Vazhakala- NGO Quarters as Ordinary mofussil permit.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station to Kakkanad of the approved scheme published vide G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme no fresh permit shall be granted in the private sector on the portion



between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Therefore the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 23**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Nuals- Kavumthazham via Medical College , Hmt, Kakkanad Water Metro (Kakkanad) Infopark, Karimugal And Kaninadu as Ordinary Moffussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 24**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route routeKakknad-Govt Medical College-Kavumthazham via HMT jn, BMC jn,,Chittetukara,Irimpanam Bus Station, Karingachira, Info Park Brahamapuram, Karimugal, and Kaninadu as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of

section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur (Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before this authority before the matter is again taken up for final consideration.

The applicant shall also specify the route with intermediate places and limiting the number of termini as two in terms of Section 2(38) of the MV Act- 1988.

**Addl. Item No. 25**

1. Perused the Judgment of the Hon'ble High Court of Kerala in WP(C)- 43390 /2023 dtd.21/12/2023 Hon: High Court of Kerala.
2. Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Perumbavoor – Vyttila (Via) Pookkattupadi- Kankarapadi- MundamPalam - Athani- Kakkanad-Pipeline Chakkaraparamb as Mofussil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St. Ownership of the vehicle offered is a condition precedent for the grant of the permit.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a

vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 26**

Heard; the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route North Paravur- Vytilla Hub. Via Cheriappilly – Koonamavu – Varappuzha – Kunnumpuram – Edappilly – Palarivattam Pipe Line – Vytilla Hub as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to

grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over the said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station to Kakkanad of the approved scheme published vide G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. For a distance of 13 Km. Therefore the route applied for is hit by the approved scheme and therefore the application is **rejected**.

#### **Addl. Item No. 27**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route KUMBALAPPILLY-KUMBALAPPILLY (CIRCULAR) VIA Kottanakvu Temple, Kottankavu Junction, Thaikavu Junction, Alinchuvadu, Palarivattom, Kalloor, Menaka, Eranakulam South, Kadavanthra Junction, Vyttila Hub, Ponnurunny East and Mahila samajam Road as City Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a

permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route objectionably overlaps on the following notified routes against each of which the extent of overlapping is noted

- There is an objectionable overlapping of 8 Km from Pallimukku to Palarivattom on the notified route Trivandrum – Palakkad (GO(P) No-13/2023/Trans dtd.03/05/2023
- Overlapping from Vyttila Junction for a distance of 4.4 kms is Objectionable to the notified route Thekkady- Eranakulam with the schemes as per GO (P) NO 13/2023 trans dated 03-05-2023.
- Overlapping on the notified route Route Eranakualm-Moovatupuzha for a distance of 4.4 Km from Vyttila Junction to KPCC Junction is Objectionable(GO(P) NO 05/2017/trans dtd 21/02/2017).

Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 28**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route ThalayolaparambuBhramamangalamChottanikkaraThiruvankulamPiravomPalamkadavu, Bhramamangalam, Neerppara, Arayankavu, Kanjiramattam, Amballur, MulanthurithyVattukunnuChottanikkara And 7 th Trip from Thalayolaparambu To Piravom Via Palamkadavu, Bhramamangalam, Nerppara, Arayankavu, Kanjiramattam Amballur Mulanthurithy Aarakkunnam Peppathy Mamalakkavala Pazhoor and Piravom as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

- (1)Secretary will call for prior concurrence of the RTA, Kottayam.
- (2)The applicant is given an opportunity to specify the route with intermediate places and time schedule in terms of Section 2(38) of the MV Act- 1989.

Since the route applied for does not conform to the definition of the term 'route'.

#### **Addl. Item No. 29**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Athani-Kalady- Malayattoor- Mulamkuzhy via Airport as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any



public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the particulars laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration. The applicant is given an opportunity to specify the route with intermediate places and time schedule in terms of Section 2(38) of the MV Act- 1988.

### **Addl. Item No. 30**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Koonammavu- Panangad- Chathamma via Cheranalloor, Edappally Gate, Edappally Jn, Bye pass, Medical center, Vyttila Hub and Kundanoor as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps the notified route North Paravoor KSRTC Bus station to Kakkanad (G.O.(P) No-27/2023/TRANS dtd.27/11/2023) for a distance of 4 Km from Koonammavu to Cheranalloor Signal Jn. As per the clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted on the portion between Paravoor and Cheranelloor Signal Jn. Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

### **Addl. Item No. 31**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Perumbalam Ferry – Thaqdees Hospital via Panangad bus stand, Vytila Hub, Edappally toll jn. , Kangarapady, Govt. Medical College, and Pukkattupady as Ordinary Moffusil Service.

This application for fresh stage carriage permit was considered by the RTA dtd.17/06/2023 and adjourned for want of prior concurrence of the RTA, Alappuzha.

The representation filed by The Secretary, Private Bus Owners Association, against the grant of fresh permit was also considered by this authority and rejected.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

More over RTA, Alappuzha has rejected the prior concurrence in view of clause 19 of GO(P) No-13/2023/Trans. Dtd. 03/05/2023.

Hence this application for the grant of fresh stage carriage permit on the route Perumbalam Ferry – Thaqdees Hospital via Panangad bus stand, Vytila Hub, Edappally toll jn. ,Kangarapady, Govt. Medical College, and Pukkattupadyas Ordinary Moffusil Service is hereby **rejected**.

**Addl. Item No. 32**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route route Aniyil beach Edavanakkad - Vyttila Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other

particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 33**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Manjanakkad – Vyttila Hub via Njarakkal, Elamkunnappuzha, Kalamukku, High Court, Menaka, South Junction, Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the principles laid down in the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249

application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 34**

This is an application submitted by Sri.Riyas.K.A., Panachikkal Veedu, SreenarayanRoad, Elamakkara for the grant of fresh regular permit in respect of a 'Suitable Stage Carriage' having seating capacity not less than 38 to operate on the route Kizhkkambalam-Chittur Ferry-Kinfra via Pookattupady-Vallathool Junction-Edapally Toll-Edapally Junction-Manjummel Kavala-Pipe Line Junction-Kakknad as Mofussil Service.

On perusal of the matter this authority has perceived that this item is considered as erratum item no-3 in this sitting of this authority. Hence this item is hereby disposed.

**Addl. Item No. 35**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeAniyil Jn Edavanakkad - Vytilla Hub Via Njarakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the

availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration..

**Addl. Item No. 36**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route route Ayyambilly Jn - Kaloor Via Njarakal , Gosree Bridge , High Court as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a

vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 ) and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration..

**Addl. Item No. 37**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Chittoor Ferry- Thrichattukulam Temple (via) Edayakunnam, Kacheripady, Manjummel Kavla, Kunnumpuram, Edapally signal, PipeLine, Vyttila Hub, Kundanoor, Madavana, Aroor, Aroor Temple, Arookutty, Kattupuram and Perumbalam as Moffussil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.



The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority as prescribed in the form P.St.Sa. under section 70(2) of Motor Vehicles Act. In the meantime Secretary will call for prior **concurrence** of the RTA, Alappuzha.

**Addl. Item No. 38**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route North Paravoor –Vyttila Hub-Panagad via Cheriyaipilly, Koonamavu, Varapuzha, Kunnumpuramjn, Edapally Signal, Pipe Line Jn, Medical center , Vyttilajjn, Kundanoor and Madavana as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a

permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.Hon: High Court of Kerala in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) reiterate the availability of vehicle owned by the applicant himself.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station - Kakkanad(G.O.(P) No-27/2023/TRANS dtd.27/11/2023). As per the clause 5(b) of the approved scheme no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 39**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route routeAniyil Jn Edavanakkad - Vyttila Hub Via Narakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(full bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars thereof before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 40**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Bible College Jn.

Varikoli- HMT Junction via Puttumanoor, Karimugal, Infopark, Kakkanad, Thoshiba Jn. and Medical College as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration..

Secretary, RTA will by the time get further report about the overlapping on notified route if any

**Addl. Item No. 41**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Vyttila Hub-North Paravoor via Cheriyaipilly, Koonamavu, Varapuzha, Kunnumpuramjn, Edapally Signal, Pipe Line Jn and Medical center as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from Paravoor to Cheranelloor Signal Jn. for a distance of 13 Km on the notified route North Paravoor KSRTC Bus station - Kakkanadof the approved scheme G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Therefore the route

applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 42**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Pallikara-KumbalmNorth-Amrutha Hospital (via) Kakkanad. By Pass, Edapally-Kunnumpuram, Vyttila Hub, Kundanoor and Madavana and as Moffussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and

Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

Secretary, RTA will conduct an enquiry as to whether Amrutha Hospital is a focal point for private stage carriage operation and whether prior permission of the hospital management is necessary for operating within their premises.

**Addl. Item No. 43**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Aniyil Jn Edavanakkad - Vyttila Hub Via Narakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of

section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration..

**Addl. Item No. 44**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Aniyil beach Edavanakkad - Vytilla Hub Via Njarakal , Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been



granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 45**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeKutungassery -Kakkanad Via Narakal , Gosree Bridge , High Court , Kaloor , Palarivattom Via Puthiya Road as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 46**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Aniyil Jn Edavanakkad - Vyttila Hub Via Njarakal ,Gosree Bridge , High Court , Menaka , Kadavanthra as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration.

**Addl. Item No. 47**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeVypin Ferry – Cherai – Maliankara – North Paravur – Angamaly–Manjapra.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority. Secretary, RTA will take an enquiry about the objectionable overlapping of any on the notified route Aluva – Vadakumpuram and report.

**Addl. Item No. 48**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Thiruthippuram- Angamaly- Manjapra- Manjaly via Puthenvelikkara, kanakkankadavu, kurumassery, chalakka, Athani, Mekkad, Anappara ,Telk and Thuravoor as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any

public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority before the matter is again taken up for final consideration. The applicant is given an opportunity to specify the route with intermediate places and time schedule in terms of Section 2(38) of the MV Act- 1989.

**Addl. Item No. 49**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Vyttila Hub - Chathanad- North Paravur Via Kottuvally ,Varapuzha Palam Edapally as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a

vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit. Failure to offer a vehicle owned by the applicant shows that he is not a bonifide applicant for the permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from N Paravur to Cheriyaipilly and Thirumooppam to Cheranellore signal 10.4 km on the notified route North Paravoor KSRTC Bus station to Kakkanad G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme G.O.(P) No-27/2023 no fresh permit shall be granted the private sector on the portion between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

**Addl. Item No. 50**

Heard the learned counsel representing the applicant. This is an application for grant of fresh intra district regular permit on the route Kaninad-Govt Medical College Via Karimugal – Infopark - Kakkanad- BMC- Thoshiba- Hmt Junction as Mofussil Service.

The application submitted for permit in form Pst.sa does not contain the registration number and other particulars of the vehicle for which the permit is sought for. Instead she has offered a 'suitable vehicle' which is not in existence.

At the time of hearing the applicant offered a stage carriage vehicle bearing register number KL 07 AQ 6111 before this authority as if she had owned the said vehicle. On verification it is found that the said vehicle doesn't stand registered in the name of the applicant. It stands registered in the name of another person. Therefore the applicant is not the owner of this vehicle as required in Section 2 (30) and Section 66(1) of the MV Act 1989.

According to Section 66(1) of the MV Act 1989 no person other than the owner of a motor vehicle can be authorised to use the vehicle as a transport vehicle. Having regard to the aforesaid provisions of the MV Act and Rules and the form of permit in form Pst and in the light of the judgment of the Hon: High Court of Kerala in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) reiterate the availability of vehicle owned by the applicant himself. The application is **rejected**.

#### **Addl. Item No. 51**

Heard the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route North Paravur to Koothattukulam via Koonammavu , Varapuzha, , , Cheranalloor, Edappally Signal Jn, , Vyttila hub etc.

The applicant was heard today. The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any

public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from N Paravur to Cheranellore signal 13 km on the notified route North Paravoor KSRTC Bus station to Kakkanadon the approved scheme G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. for a distance of 13 Km. Therefore the route applied for is hit by the approved scheme and therefore the application is **rejected**.

#### **Addl. Item No. 52**

Heard; the learned counsel representing the applicant. This is an application for fresh stage carriage permit on the route Koothattukulam – North Paravoor via Chottanikkara, Vyttila Hub, Edappally etc.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle and promote trafficking in permit. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant



consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Moreover said route overlaps from N Paravur to Cheranellore signal 13 km on the notified route North Paravoor KSRTC Bus station to Kakkanad of the approved scheme in G.O.(P) No-27/2023/TRANS dtd.27/11/2023. As per the clause 5(b) of the approved scheme no fresh permit shall be granted in private sector on the portion between Paravoor and Cheranelloor Signal Jn. For a distance of 13 Km. Thus the route applied for is hit by the approved scheme and therefore the application is **rejected**.

### **Item No.53**

Heard; the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Keetholi – Puthenvelikkara – North Paravur Fire station via Kottappuram Puthenvelikkara, Thanippadam, Fire station Road end etc

At the time of hearing the applicant offered the stage carriage KL 47 L 6718 for being granted with a permit. Concurrence of RTA, Thrissur is necessary for grant of permit. Call for **concurrence**. Also get a detailed enquiry report as to the route length in the respective districts and other matters relating to scheme violation if any on receipt of which the matter shall be placed before this authority. Hence the matter is **adjourned**.

**Addl. Item No. 54**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route Thiruthippuram- Angamaly- Manjapra- Manjaly via Puthenvelikkara, Kanakkankadavu, Kurumassery, chalakka, Athani, Mekkad, Anappara , Telk and Thuravoor as Ordinary Moffusil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Natarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 the matter is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this

authority before the matter is again taken up for final consideration. The applicant is given an opportunity to specify the route correctly with intermediate places and time schedule in conformity with the provisions of Section 2(38) of the MV Act- 1988.

On perusal it is found that a portion of the route applied for lies in Thrissur District and therefore prior concurrence of RTA, Thrissur is necessary for the consideration of the application. Call for **concurrence**. Also get a detailed enquiry report as to the route length in the respective districts and other matters relating to scheme violation if any on receipt of which the matter shall be placed before this authority. The matter is **adjourned**.

#### **Additional Item: 55**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-Q-1330 which is permitted to operate on the route Ponekkara-Thevar - Thoppumpady Via ElamkkaraKaloor South as City service on the strength of regular permit valid upto 02/04/2027. The permit holder has applied for one more trip from Kaloor to Ponekkara. Neither the application for variation nor the proposed time schedule specifies the intermediate places of the route proposed to be varied.

The stage carriage KL-05-Q-1330 covered by the permit has become 20 years old on 18/01/2024 and permit holder has applied for replacement of the existing vehicle with another stage carriage KL 07 BG 4849. The new vehicle offered differs from the original route bus by 27.9% in material particulars such as seating capacity and GVW where as the material difference between the said vehicles shall be less than 25% as per KMVR-174. The seating capacity of the original bus was 43 in all and that of the new bus is 31 only. Under the circumstance the application for replacement of the vehicle is rejected

**Additional Item: 56**

Heard the learned counsel representing the applicant. This is an application for variation of permit in respect of stage carriage KL-05-V-0198 on the route Poothotta - Kakkanad Via Tripunithura Vyttila Menaka Kaloor Palarivattom And Ngo Quarters as City service. The permit holder has sought for curtailment of route from Kaloor to Kakkanad for 2 trips and from High Court Jn to Kakkanad for one trip Kakkanad is a very important focal point and the curtailment from Kaloor to Kakkanad and back is detrimental to the interest of the commuters.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in route or variation In time Schedule There is no substance to show that the proposed variation would serve any additional convenience to the public.

Having regard to the afore said facts and circumstances the application is rejected.

**Additional Item: 57**

Heard; the learned counsel representing the applicant. This is an application for variation of permit in respect of stage carriage KL-07-CR-2026 on the route Ponekkara-Thevara Ferry With Starting And Halting At Elamakkara. The permit holder has applied for variation by extension from Elamakkara to Puthukkalavattam for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> trips and variation by deviation through Elamakkara for the 7<sup>th</sup> and 8<sup>th</sup> trips.

Though there is a proposal of extension of route up to Puthukkalavattam the time schedule accompanying in the application doesnot mention the terminus Puthukkalavattam. The intention before the application is to change the entire time schedule according to the whims and fancies of the permit holder causing inconvenience to the other operators on related routes .There does not exist any bonafied need for variation.Hence rejected.

**Additional Item: 58**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of stage carriage KL-32-F-1713 permitted to operate on the route Pallithode Beach – Kaloor. The variation relates to the portion of the route between Vyttila Hub and Kaloor Bus stand. At present the vehicle traverses this portion via Pallimukku, and M.G.Road the proposal is to traverse via Kadavanthara and Katrakadavu. There will be a difference in running time between Vyttila Hub and Kaloor. The variation is **granted** subject to re-settlement of timings for the portion between Vyttila Hub and Kaloor Bus stand.

**Additional Item: 59**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of Stage Carriage KL-34-0543 operating on the route Poothotta - Perumbavoor VIA Thripunithura, Vyttila, South, M.G Road, Kaloor, K.K Road, Palarivattom, Kakkanad, Kangarapady, Pukkattupady, Chembarkky, Irimbanam and Karingachiraas MOFFUSIL service. The permit holder has applied for the variation of the conditions of the permit so as to operate as city service with various destinations in the city area. The only one trip proposed to operate upto Perumbavoor makes the permit a moffusil one, except for this trip all the trips are proposed to be operated within the city limit. He does not seem to have furnished any cogent reasons for the variation of the route in his application. Nor has he put forth any such grounds at the time of hearing.

The enquiry report does not reveal that the said variation is in public interest.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in route or variation. In time Schedule There is no substance to show that the proposed variation would serve any additional convenience to the public. The attempt of the permit holder is to operate the vehicle mostly in roads of

Cochin City. Circumventing the provisions of Sub- section (3) of Section 71 of MV Act.

Having regard to the afore said facts and circumstances the application is rejected.

**Additional Item: 60**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL-39-B-0082 operating on the route Panangad - Aluva Via Madavana, Kundannoor, Vyttila, Boat Jetty, Kaloor, Palarivattom, Edapally, South Kalamassery, Hmt Junction And Kalamasseryas City service so as to operate one trip (6<sup>th</sup> trip) Aluva to Panangad via Kaloor, Katrakadavu and Kadavanthara. The variation is **granted** subject to settlement to the condition that there shall not be any change in the existing departure timings from Aluva.

**Additional Item: 61**

Applicant absent. **Adjourned.**

**Additional Item: 62**

Heard; the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL-49-A-1096 operating on the route Pottachira - Perumbavoor via Chalakudy, Chalakudy Bus Stand, Muringoor, Meloor, Poolani, Adichilly Pokkam, Munnoorpilly, Edakkad, Chully, Manjapara, Kalady, Okkal, VallamKavalaasmoffusil service, the proposed variation involves curtailment of route as well as deviation with the result that the entire time schedule has been proposed to be changed. The applicant does not seem to have furnished any cogent reasons for the variation of the route in his application. Nor has he put forth any such grounds at the time of hearing.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in

route or variation In time Schedule There is no substance to show that the proposed variation would serve any additional benefits or convenience to the public.

The application is **rejected**.

**Additional Item: 63**

Heard; the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL-56-0909 operating on the route North Paravur - Kaloor Via Koonnamnavu Varapuzha Bridge Edappally Punnakkal And Elamakkaraas moffusil service, the variation sought for is in violation of the approved scheme (GO(P) No-27/2023/Trans dtd. 27/11/2023 in as much as the existing permit is sought to be varied between North Paravoor and Cheranalloor signal Jn. Hence **rejected**.

**Additional Item: 64**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 07 BC 3389 operating on the route Vyttila Hub – North Paravur via Cheranelloor, Thekkenaluvazhi, Koonnamnavu, Varappuzha Bridge, Edappally, the variation sought for is in violation of the approved scheme (GO(P) No-27/2023/Trans dtd. 27/11/2023 in as much as the existing permit is sought to be varied between North Paravoor and Cheranalloor signal Jn. Hence **rejected**.

**Additional Item: 65**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 42 S 3775 operating on the route Munambam - Vypin via Cherai, Njarakkal, High Court. The variation sought for is to extent the route from Vypin to Vyttila Hub which is in violation of the approved scheme (GO(P) No-27/2023/Trans dtd. 27/11/2023. The existing permits on the portion from Cherai to Vypin are saved by the approved scheme subject to the condition thatsuch permits

shall not be varied except to extend necessary for extension of the route from High Court Junction subject to the condition that overlapping on notified route shall not exceeds 25 Km. In tis case the overlapping exceeds 25 kms and hence the matter is **rejected**.

**Additional Item: 66**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 37 2829 operating on the route Kodungalloor – Ernakulam South via Moothakunnam, North Paravur, Koonammavu, Cheranelloor, Kacherippady, The variation sought for is to extend the route from Vypin to Vyttila Hub or Kakkanad in violation of the approved scheme (GO(P) No-27/2023/Trans dtd. 27/11/2023 in as much as the existing permit is sought to be varied between North Paravoor and Cheranalloor signal Jn. which is prohibited by the scheme. Hence **rejected**.

**Additional Item: 67**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of **KL 17 D 4347** operating on the route Chathanad- North Paravur via Ezhikkara, Kadakkara, Perumpadanna Junction, Cherai, the variation sought for is **granted** subject to settlement of timings.

**Additional Item: 68**

Heard; the learned counsel representing the applicant. This is an application for variation of regular permit in respect of **KL49A 7448** operating on the route South Chittoor-Eroor Gateas city permit, the variation sought for involves curtailment of route and variation by deviation. The applicant does not seem to have furnished any cogent reasons for the variation of the route in his application. Nor has he put forth any such grounds at the time of hearing.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in



route or variation In time Schedule There is no substance to show that the proposed variation would provide any additional convenience to the public. Hence **rejected**.

**Additional Item: 69**

The applicant absent. **Adjourned**.

**Additional Item: 70**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 18 E 6390 operating on the route Angamaly-Aluva as mofussil permit. The variation sought for is **granted** subject to settlement of timings.

**Additional Item: 71**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 07 AX 6444 operating on the route Irumpanam-Kakkanad as city permit. The variation sought for involves variation by curtailment and extension. The applicant does not seem to have furnished any cogent reasons for the variation of the route in his application. Nor has he put forth any such grounds at the time of hearing. The attempt of the permit holder is to dislodge the existing time table on an experimental basis.

No new circumstances enumerated in rule 145(6) of KMV R. have arisen after the grant of the existing permit necessitating the changes in route or variation In time Schedule There is no substance to show that the proposed variation would provide any additional convenience to the public. Hence **rejected**.

**Additional Item: 72**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 07 AQ 6111 operating on the

route Thuthiyur -Kakkanad-W island as city permit, the variation sought for is **granted** subject to settlement of timings.

**Additional Item: 73**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 07 BF 7586 operating on the route Aluva- Ernakulam South via Carmal Hospital ,CanalRoad, Manakapady, Kombara Jn, NAD Qtrs, HMT Jn, MG Road 6 single trips via Palilamkara, Thoshiba deviating from NAD Gate and HMT Colony Post Office as city service. The variation sought for is **granted** subject to settlement of timings.

**Additional Item: 74**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 40 F 8475 operating on the route Kongorppilly-Kadamakudy-Vyttila Hub-Amrutha Hospital via Koonammavu, VarappuzhaBridge, Manjummel Kavala, EdappallyByepass, Kunnumpuram and Edappaly North road as Ordinary Moffussil Service. The permit covers the portion of the notified routes Paravoor to Kakkanad (GO(P) No-27/2023/Trans dtd. 27/11/2023) from Koonammavu to Cheranelloor signal Jn. The existing permits covering this portion of the notified route shall not be varied as per clause 5(b) of the said notification.. Hence **rejected**.

**Additional Item: 75**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 39 T 9007 (Old reg no KL 07 AZ 710) operating on the route West Morkkala Aluva - Tripunithura Via Pallikar, Kizhakambalam, Pukkattupady, Choondy, Kakkanad,HMT Jn, Irumbanam, Karingachira as Moffusil Service. This is the matter remanded for reconsideration as per the order in MVAA NO 94/2024 The matter has

been reconsidered in the light of the above said order. The variation sought for is **granted** subject to settlement of timings.

**Additional Item: 76**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 07 BH 8008 operating on the route Aluva- Fort Kochi via HMT Colony , Marottichodu, Menaka, Thevara Jn and Thoppumpady as city service. The variation sought for is involves variation by extension and curtailment within Cochin city limit. The matter is adjourned for want of a detailed enquiry report on the following:-

- 1.The number of routes covered by the existing permit in terms of Section2(38) of MV Act.
- 2.The number of termini of the routes as per the existing time schedule.
- 3.Whether the variation applied for involves deviation/ extension/ curtailment.
- 4.The total distance covered either by deviation or extension.
5. Whether any new circumstances enumerated in KMVR 145(6) have arisen after the grant of the new permit.
- 6.Whether the proposed variation good serve the convenience of the public or whether it would cause inconvenience to the public on the existing route or area covered by the permit.
- 7.Whether the proposed variation would result in the increase in the number of buses above the maximum specified under section 71(3) of MV Act.

**Additional Item: 77**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 39 L 7929 operating on the route operating on the route Glass Factory- Panangad via HMT Jn ,

Edappally, Signal, Palarivattom, Kaloor, Menaka, South, Vyttila as city service the variation sought for involves variation by extension and curtailment within Cochin city limit. The matter is adjourned for want of a detailed enquiry report on the following:-

1. The number of routes covered by the existing permit in terms of Section 2(38) of MV Act.
2. The number of termini of the routes as per the existing time schedule.
3. Whether the variation applied for involves deviation/ extension/ curtailment.
4. The total distance covered either by deviation or extension.
5. Whether any new circumstances enumerated in KMVR 145(6) have arisen after the grant of the new permit.
6. Whether the proposed variation good serve the convenience of the public or whether it would cause inconvenience to the public on the existing route or area covered by the permit.
7. Whether the proposed variation would result in the increase in the number of buses above the maximum specified under section 71(3) of MV Act.

**Additional Item: 78**

Heard the learned counsel representing the applicant. This is an application for variation of regular permit in respect of KL 39 A 9190 operating on the route Eramalloor-Ernakulam Kaloor Stand as Mofussil service. The variation sought for is **granted** subject to settlement of timings.

**Additional Item No. 79**

Heard. The permit in respect of stage carriage KEE 8787 on the route Anappara-Angamaly-Perumbavoor expired on 14/12/2003. The application for renewal was submitted only on 30/01/2015 and hence belated. The applicant has applied for condoning the delay in making application for the renewal. He has produced a medical certificate, stating that he was undergoing treatment and hence he could not prefer the application in time. Nothing prevented the applicant or his representative from making the

application in time. Undergoing treatment is not a good and sufficient reason for not making an application for renewal of permit in time. This authority is not satisfied that the inordinate delay occurred was owing to his physical disability. More over this authority was obliged to dispose of the application in accordance with direction containing in WP© No-739/2020 dtd. 13/06/2024. This permit doesnot fall within the category of 'operating permit as on 14/07/2009 as specified in clause-4 of the approved scheme'. The said route objectionably overlaps the notified route Kottayam – Kozhikode for a distance of 14.4 km from Angamaly to Perumbavoor. More over the vehicle doesnot conform to the model condition specified. Hence the applications for condoning the delay and renewal of permit are **rejected**.

#### **Additional Item No.80**

Heard the applicant, in connection with the renewal of permit in respect of stage carriage **KL-06-E-0237** permitted to operate on the route N.Paravur – Manjaly - Chalakudy. The permit was valid upto 16/05/2014. The renewal of the permit was sought for from 17/05/2014 onwards regularly. So far it has not been renewed by this authority, since the route overlaped the notified route Aluva -Vadakkumpuram (Notification No 27106/TA2/65/PW Dated 17/06/1965) for a distance of 1.5 Km from North Paravoor to Vedimara.

The decisions on the applications for renewal were adjourned from time to time on a representation that the modification of the approved scheme was under consideration by the government. So far no order of modification of the route or direction whatsoever has not been received enabling the renewal of permit. Under the circumstance The secretary RTA will personally examine and report within 1 month the extent overlapping and the feasibility of modifying the route of the private operators from North Paravoor to Vedimara without offending the approved scheme on appropriate application. Matter **adjourned**.

#### **Additional Item No. 81**

Heard. This is an application for renewal of permit in respect of stage carriage KL 07 BA 2155 permitted to operate on the route Vellarappilly – Aluva – Chully. The permit was valid upto 04/08/2021. Application for renewal was received on 02/08/2021. The application was not a belated one in view of the exemption granted in connection with the Covid pandemic. The permit was not renewed by the Secretary RTA for want of payment of tax, currency of certificate of fitness and other records. Consequently the applicant applied for replacement of the route bus by another vehicle KL 14 AC 0074 owned by him. Renewal of permit is granted along with the grant of replacement of vehicle subject to the condition that all dues to government are cleared.

#### **Additional Item No. 82**

Heard. This is an application for renewal of permit in respect of stage carriage KL-08-X-1800 permitted to operate on the route Kakkanad--Perumpalm Ferry Via Palarivattam, Kaloor Padma, Vytila, Kumbalam, Aroor, Arookkutty ferry. The permit was valid upto . 22/10/2021. Application is in time. The permit was not renewed by the Secretary RTA for want of currency of certificate of fitness and other records. Consequently the applicant applied for replacement of the route bus by another vehicle KL 13 R 3877 owned by him. Renewal of permit is **granted** along with the grant of replacement of vehicle subject to the condition that all dues to government are cleared.

#### **Additional Item No. 83**

Heard. Renewal granted.

#### **Additional Item No. 84**

Heard. Renewal granted. Replacement of vehicle rejected. Since the material difference between the vehicles exceeds 25% prescribed in Rule 174 (3) of KMVR. The seating capacity of the primary vehicle is 27 where as that of the

incoming vehicle is 48 in all. So application for replacement of vehicle is declined.

**Additional Item No. 85**

Heard. Renewal of permit **granted**.

**Additional Item No. 86**

Heard; **Adjourned** for want of a detailed enquiry report as to the overlapping on any one or more of the notified routes if any.

**Additional Item No. 87**

Heard. Renewal of permit was granted on 23/01/2023 by the RTA. The applicant was required to produce the current records of the vehicle within a period of 30 days from the date of receipt of the communication dtd. 19/04/2023. But he has not cared to comply with the said direction. He has turned up with the records only on 12/04/2024, that is after the lapse of 11 months. But he has not furnished any good and sufficient reason for the inordinate delay. Hence the request is **rejected**. The secretary will issue show cause notice as to why the grant of renewal of the permit should not be revoked and bring up the matter in the next meeting of the RTA.

**Additional Item No. 88**

Heard; Renewal granted.

**Additional Item No. 89**

Heard. The permit was issued in the year 2013 and hence not saved by the approved scheme GO (P) NO 13/2023/Trans dated 03-05-2023. This route overlaps the notified route Thiruvananthapuram – Kannur under the above scheme for a total distance of 9.6 Km (6.1 Km from Eramalloor to Aroor and 3.5 Km from Madhava Pharmacy Jn. To Edappally station kavala) in violation of the said scheme. Hence **rejected**.

**Additional Item No. 90**

Heard. Renewal granted.

**Additional Item No. 91**

Heard. Delay in making application for renewal of permit **condoned**.  
Renewal **granted**

**Additional Item No. 92**

Heard the applicant. Permit in respect of stage carriage KL 43 E 3997 held by Sri. Vinuraj Vijayan was renewed upto 20/08/2016. But before the date of expiry of permit the permit holder parted with the possession of the vehicle on 28/04/2015 under the guise of suspended animation. The permit holder Sri. Vinuraj Vijayan entered into a lease agreement with Sri. Ajas Jabar the registered owner of stage carriage KL 07 BX 7380 for the use of the vehicle and operation of service in place of the departed vehicle KL 43 E 3997.

The application for renewal of permit for the period from 21/08/2016 to 20/08/2021 was filed by Sri. Ajas Jabbar registered owner of the vehicle, who was not entitled to make any such application for renewal of permit. The application was rejected by the R.T.A. on the aforesaid reason.

Consequently, the permit holder Sri. Vinuraj Vijayan himself made an application for the renewal of permit long after the due date for renewal. The Hon'ble High Court directed this authority to consider the application so made and take a decision within 6 weeks and the matter was considered on 19/01/2019 in compliance with the order of Honb'le High Court of Kerala.

The same matter was considered on subsequent meetings of the RTA necessitated by the following circumstances

- (i) The genuiness of the lease agreement
- (ii) The possession of the vehicle



- (iii) The permit holder did not turn up despite repeated notices for hearing.

On the death of the permit holder Sri. Vinuraj Vijayan on 22/10/2020 ,Smt Indira Vijayan ,the mother of the deceased intimated the death of the permit holder and applied for the transfer of permit( death). But the same were belated. Again this authority caused a detailed enquiry regarding the new lease agreement executed between the Ajas Jabbar and Indira Vijayan.

At the moment the following matters are before this authority for consideration.

- 1.Application for renewal from 21/08/2016 and 21/08/2021
2. Noncompliance on the intimation of death of permit holder
- 3.Belated application for transfer of permit(death)
4. Entitlement to hold a permit in respect of a vehicle under lease agreement
5. Application for grant of temporary permit U/S 87(1) (d) of the Act.

Considered the above matters in greater detail. This authority is not convinced about the actual possession of the vehicle and the daily operation of the vehicle. The circumstances under which the application for renewal of permit from 21/08/2016 was not preferred by the permit holder, but by the registered owner of the leased vehicle are dubious. Moreover, the permit holder did not appear for hearing in connection with the enquiry on several occasions.

The stage carriage service was conducted by the so-called successor for a long period after the laps of 3 months of the death of the permit holder without sanction of transfer of the permit U/S 82(2) of MV Act.

The application for transfer of permit was inordinately delayed and no good or sufficient reasons preventing the possessor from making the

application in time have been furnished. Hence the said application is rejected.

The lease agreement between Smt. Indira Vijayan and Sri. Ajas Jabbar does not seem to be executed in the prescribed form and with the required contents and no such agreement has been endorsed in the registration certificate as required in sec51(1) of the M V Act. No person is entitled to a stage carriage permit without owning a stage carriage vehicle duly registered in his name. Relying on the decision of the Hon'ble High Court of Kerala in Bhaskaran V/s RTA Alappuzha (2003(1)KLT106) the applications for successive renewals of permit, transfer of permit (death), claim for operating vehicle under lease agreement are rejected. Application for temporary permit U/s 87(1)d is declined in view of the refusal of renewal of permit.

### **Additional Item No.93**

Heard the applicant, in connection with the renewal of permit in respect of stage carriage **KL 03 R 6102** permitted to operate on the route Malayattoor-N.Paravur Via Majali, Chengamanad , Athani, Maikkad, Telk, Angamaly, Vattaparambu, Puliyanam, Kalady as Intra-Dist Mofussil service. The permit was valid upto 04-01-2014. The renewal of the permit was sought for from 05-01-2014 onwards regularly. So far it has not been renewed by this authority, since the route overlapped the notified route Aluva -Vadakkumpuram (Notification No 27106/TA2/65/PW Dated 17/06/1965) for a distance of 1.5 Km from North Paravoor to Vedimara.

The decisions on the applications for renewal were adjourned from time to time on a representation that the modification of the approved scheme was under consideration of the government. So far no order of modification of the route or direction whatsoever has been received enabling the renewal of permit. Under the circumstance The secretary RTA will personally examine and report within 1 month the extent of overlapping and the feasibility of modifying the route of the private operators from North Paravoor to Vedimara without offending the approved scheme on appropriate application. Matter **adjourned**.

**Additional Item No. 94**

Heard the applicant. Delay in submission of application for renewal of permit is condoned. NOC from financier is not produced so far. Hence the matter is **adjourned**.

**Additional Item No. 95**

Heard the applicants. Delay in submission of application for renewal of permit is condoned. Renewal of permit is **granted**. The transfer of permit applied for is permitted subject to the remittance of dues to government.

**Additional Item No. 96**

Heard the applicant. Renewal of permit and the replacement of permit are **granted** subject to the remittance of prescribed fees, dues to government in respect of both the vehicles.

**Additional Item No: 97**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-06-E-1997**, operating on the route Nilampathinjimugal - Fort Kochi Via Menaka, Palarivattomas CITY, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 98**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-AR-0218**, operating on the route POOTHAMKUTTY - CHULLY via angamaly mukkanloor devgiri tabore and manjapraas moffusil service, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 99**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-AS-0226**,

operating on the route Munnoorpilly-Perumbavoor Via Karukutty, Angamaly, Kalady And Panthakkalas MOFFUSIL service, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 100**

Heard. Adjourned for verification of the propriety of the power of attorney.

**Additional Item No: 101**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-BF-1615**, operating on the route Cheranellore - Tripunithura Via Edappally, Palarivattom, Menaka, Vyttila, Bypass, Kundannoor, Maraduas CITY service, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 102**

1. This is a request for revoking the transfer of permit allowed in respect of stage carriage **KL-13-S-0015** on 23/01/2023. The said sanction for transfer of permit is hereby **revoked**.

2. Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-13-S-0015**, operating on the route Cheranelloor-Fort Kochi and Tripunithura Via Thoppumpady, Boat Jetty, Kaloor, Palarivattam, Edappally Maradu And Kundannuras CITY service **rejected**, since this authority not satisfied of the grounds furnished for transfer of permit which was granted on 23/01/2023.

**Additional Item No: 103**

Heard; the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-17-F-0191**, operating on the route Vettilappara - Vettilappara is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 104**

This is an application for transfer of permit in respect of the stage carriage KL-41-A-1251, operating on the route Kaloor- Chottanikkara Via High Court Jn, South, Vyttila, Tripunithura, Thiruvankulam. But both the applicants were absent. Hence **adjourned**.

**Additional Item No: 105**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-41-A-2419**, is adjourned until the permit is renewed.

**Additional Item No: 106**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-42-L-1705**, operating on the route Kolencherry-Kaloor is **adjourned** for the want of no-objection certificate from the financier.

**Additional Item No: 107**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-43-A-2466**, operating on the route Cheranelloor - Kumbalanghy Via Thoppumpady, Menaka, South Chittooras CITY service, is **rejected**, since prescribed fees for transfer of permit is not remitted.

**Additional Item No: 108**

Heard the learned counsel representing the both the transferor and transferee of transfer of permit in respect of stage carriage **KL-59-B-0501**. This is the application to condone the delay in production of current records of stage Carriage KL-59-B-0501 . Delay **condoned**.

**Additional Item No: 109**

This is an application for transfer of permit in respect of the stage carriage **KL-65-C-1572**, operating on the route Cheranelloor - Mattancherry Via South Chittoor as city service. But both the applicants were absent. Hence **adjourned**.

**Additional Item No: 110**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-13-T-1519**, operating on the route Kumbalanghy - Ponekkara Via Perumpadappu, Chellanam, Kannamaly, Menaka and Kalooras city service is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 111**

Heard; the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BN 2997**, operating on the route Mattancherry- Edakochi via Chullikkal, Thoppumpady, Pambaimoola, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 112**

Heard; the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 CA 2725**, operating on the route Vyttila – Vyttila via Bhavaraparambu, Bypass, Palarivattom, Kaloor, Boat Jetty, Valanjambalam, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 113**

Heard; the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 CG 3976**, operating on the route Chittethukara- Fortkochi via Kakkanad,

Boat Jetty, Menaka and Thoppumpady, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 114**

Heard; the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 13 Q 4626**, operating on the route Mala – Angamaly via Meladoor, Annamanada, Pallissery, Kumbidy, Poovathusserry, Chengamanad, Athani, Maikkad& TELK, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 115**

This is an application for transfer of permit in respect of the stage carriage **KL 24 4816**, operating on the route Puthukkalavattom-Chottanikkara via Desabhimani, High Court, Menaka, Vyttila, East Fort, Thrippunithura Bus Stand, Thiruvankulam. But both the applicants were absent. Hence **adjourned**.

**Additional Item No: 116**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 40 3804**, operating on the route Potta- Ayyampuzha-Kadappara via Uppukkallu, Kadukulangara, Manjapra, Chandrapura, Thuravoor, Angamaly, Marottichuvadu, Kalady, Kottamam, Neeleeswaram, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 117**

This is an application for transfer of permit in respect of the stage carriage **KL 42 Q 4293**, operating on the route Munambam- High Court Junction via Cherai, Elamkunnappuzha, Kalamukku Junction, Vyppin, Gosree Bridges. But both the applicants are absent. Hence **adjourned**.

**Additional Item No: 118**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 44 3035**, operating on the route Puthenvelikkara - Aluva via Elanthikkara, Kanakkankadav, Kurumasserry, Chengamand, Athani, Desom, Paravur Junction, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 119**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 44 A 3477**, operating on the route High Court-Vyppin-North Paravur via Kalamukku, Elamkunnappuzha, Edavanakkad, Cherai, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 120**

This is an application for transfer of permit in respect of the stage carriage **KL 45 C 3006**, operating on the route Njarakkal- High Court Junction via Elamkunnappuzha, Valappu, Valappu Beach, Light House, LNG Terminal, BELBO junction, Kalamukku, Gosree Bridges. But both the applicants are absent. Hence **adjourned**.

**Additional Item No: 121**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 58 D 4970**, operating on the route Angamaly- Mala via Athani, Kurumasserry, Puthuvassery, Annamanada and Meladoor, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 122**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL07AQ**



**5390**, operating on the route Ezhattumugham-Angamaly, is **permitted** subject to the remittance of prescribed fees and clearance of dues to Government, if any.

**Additional Item No: 123**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BC 5859**, operating on the route Vyttila-Vyttilais**permitted** for subject to the clearance of dues to Government, if any.

**Additional Item No: 124**

Heard. Adjourned for verification of the propriety of the power of attorney.

**Additional Item No: 125**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 08 AQ 7011**(Old No. KL 07 AP 7239), operating on the route **Annamanada-Aluva**, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 126**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 16 A 6665** operating on the route **Ezhupunna Ferry-Kaloor**, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 127**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 17 D 6699** operating on the route Vettithara-Kaloor, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 128**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 17 J 6152** operating on the route Cherukara-Mulanthuruthy-Nadakkavu-Tripunithura-Kaloor, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 129**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 18 C 6041** operating on the route Kurisumudi-Perumbavur-Vattaparambu, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 130**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 34 A 5848** is **permitted** subject to the clearance of dues to Government, if any..

**Additional Item No: 131**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 35 7111** operating on the route Pukkattupady- Aluva-Fort Kochi, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 132**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 39 A 6991** operating on the route Poothotta-Kaloor, is **adjourned** until the permit is renewed.

**Additional Item No: 133**

Heard; the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 40 B**

**6566** operating on the route Aluva-W Island-Munamveli, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 134**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 42 6161** operating on the route Fort Kochi-Perumpadappu, is **permitted** as applied for subject to the clearance of dues to Government, if any.

**Additional Item No: 135**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 42 R 5380** operating on the route N Paravur-High Court Jn, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 136**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 50 5253** operating on the route Nedumbassery Air Port –Aluva, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 137**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 05 V 9046** operating on the route Moothakunnam - Kaloor as mofussil service, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 138**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 58 A 8289**, operating on the route Kumbalangy South- Palarivattom , is **adjourned** for the want of no-objection certificate from the financier.

**Additional Item No: 139**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 58 A 7585** operating on the route Kurumassey- Angamaly- Kalady, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 140**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 07 BK 8163** operating on the route Aluva - Fort Kochi, is **permitted** subject to the clearance of dues to Government, if any.

**Additional Item No: 141**

Heard the learned counsel who represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 39 7979**, operating on the route Pallithodu - Mundanveli, is **adjourned** for the want of no-objection certificate from the financier.

**Addl. Item No.142**

Heard the applicant. Delay condoned.

**Addl. Item No.143**

This is the application submitted by Secretary, RTA, Alappuzha for concurrence of this RTA for allowing variation of Regular permit on the route Cherthala – Vyttila via Poochakkal, Thavanakkadavu, Thykkattusserry, Thrichattukulam and Aroor temple so as to extend upto Vyttila, which is granted; without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Addl. Item No.144**

Heard. This application for concurrence is rejected, since Edappally Toll cannot be a stage carriage destination for want of required facility such as Bus bay, parking place etc.

**Addl. Item No.145**

Heard. Delay condoned.

**Addl. Item No.146**

Heard. Delay condoned.

**Addl. Item No.147**

Heard. The application for replacement is rejected, since the material difference between the primary vehicle and incoming vehicle is more than 25%.

**Addl. Item No.148**

The action of Secretary, RTA is ratified.

**Addl. Item No.149**

Heard the applicant. Renewal and replacement are **granted**.

**Addl. Item No.150**

Heard the applicant. Renewal and replacement are **granted**.

**Addl. Item No.151**

Heard the applicant. Delay condoned and replacement **granted**.

**Addl. Item No.152**

The action of Secretary, RTA is ratified.

**Addl. Item No.153**

Heard the applicant. It appears that the permit holder is not pressing for endorsement of variation of route and variation in timings and that she desires to retain the original route and time schedule issued consequent on the grant of permit in the year 2007. Therefore the request granted and the applicant is permitted to retain the original route and time schedule.

**Addl. Item No.154**

Heard the applicants. The grant of transfer of permit is **revoked**.

**Addl. Item No.155**

Heard the applicant. Delay condoned and renewal of permit is granted.

**Addl. Item No.156**

The action taken by the Secretary are **ratified**.

**Addl. Item No.157**

Heard the learned council who appeared for the petitioners. A representation urging this authority to permit the entry of Vypin buses into various destinations like Vytila Hub and Kakkanad in Cochin city in accordance with the approved scheme vide GOP NO 27/2023 Trans SRO NO1275/2023 dtd. 27/11/2023 has come up for consideration of this authority. It is open for the interested operators to seek either the permit by extension or new permit as the case may be. Every application for such permit if made in the prescribed manner will be promptly dealt with in view of the approved scheme.

**Addl. Item No.158**

The next meeting of RTA, Ernakulam is fixed as **07/01/2025**.

### **Erratum Item No. 01**

Heard the learned counsel representing the applicant. This is an application for the grant of fresh stage carriage permit on the route Infopark – HMT Jn- Manalimukku via Kakkanad, Vallathol, Thoshiba Jn, St.Paul College and Medical College as Moffusil permit.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be considered by this authority and therefore the availability of a ready vehicle is a relevant requirement for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and the provisions laid down in the judgments in Natarajan Vs STAT (AIR 1999 Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) (1980 KLT 249) application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other

particulars before this authority before the matter is again taken up for final consideration.

**Erratum Item No. 02**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route route Chathamma-Manalimukku-Varapuzha (panangad-madavana-kundannur-vyttila-edapilly junction-edapilly toll-kangarapady-Medical College-thattampadi-Varapuzha Bridge) as Mofussil Service.

The applicant has not, even at the time of hearing today, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the revised provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant requirement for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the Act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207



)andNarayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark and other particulars before this authority as prescribed in the form P.St.Sa. under section 70(2) of Motor Vehicles Act.

Moreover the route applied for is not specific and the service thereon practically impossible to be performed. The applicant is given an opportunity to specify the route accurately and modify the time schedule accordingly as per Section 2(38) of MV Act 1989.

### **Erratum Item No. 03**

Heard the learned counsel representing the applicant. This is the application for the grant of fresh stage carriage permit on the route routeChathamma-Manalimukku-Varapuzha (panangad-madavana-kundannur-vyttila-edapilly junction-edapilly toll-kangarapady-Medical College-thattampadi-Varapuzha Bridge) as Mofussil Service.

The applicant has not, even at the time of hearing in this meeting, furnished the registration mark and other particulars of any vehicle owned by him. No person other than the owner of a motor vehicle is entitled to a permit authorising him to use the vehicle as a transport vehicle as per the revised provisions of section 66(1) of the Motor Vehicles Act, 1988 and the prescribed form of permit in form P.St.

The applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant permit to a non-existent vehicle. The suitability or otherwise of a vehicle is a matter to be determined by this authority and therefore the availability of a ready vehicle is a relevant consideration for the grant of permit. The grant of permit to a non-existent vehicle would not serve any public purpose. On the other hand, it will only help promote illegal sale and trafficking in permit.

The time limit prescribed in KMV Rule 159(2) is to produce the registration certificate of the vehicle in favour of which a permit has been granted if any, for the purpose of making entry in the permit in terms of section 85 of the Motor Vehicles Act and not for facilitating the applicant to procure ownership of a vehicle after the sanction of the application.

Having regard to the afore said provisions of the act and rules and in the light of the judgments in Nadarajan Vs STAT (AIR 1999) Kerala, 207 )and Narayanan Vs RTA, Thrissur(Full Bench) 1980 KLT 249 application is **adjourned** until after the applicant has acquired the ownership of a ready vehicle and furnished the registration mark other particulars before this authority before the matter is again taken up for final consideration.

Moreover the route applied is not specific and the service thereon is practically impossible to be performed. The applicant is given an opportunity to specify the route accurately and modify the time schedule accordingly as per Section 2(38) of MV Act 1989.

**Supply. Item No. 01**

Heard the learned counsel who represented the applicant. This is an application for grant of fresh intra district regular permit on the route Perumbavoor- Vytilla Hub Via Ponjassery, Chemberakky, South Vazhakkulam, Cochin Bank, Medical College, HMT JN, Vallathol, Kakkanad, Palarivattom pipeline, Vytilla Hub as Ordinary Moffusil Service.

The application does not contain the registration number and other particulars of the vehicle for which the permit is sought for. Instead he has offered a 'suitable vehicle' which is not in existence.

At the time of hearing the applicant offered a stage carriage vehicle bearing register number KL 40 1026 before this authority as if he had owned the said vehicle. On verification it is found that the said vehicle doesn't stand registered in the name of the applicant. It stands registered in

the name of Sri. Muneer. Therefore the applicant is not the owner of this vehicle as required in Section 2 (30) and Section 66(1) of the MV Act 1988.

According to the revised Section 66(1) of the MV Act 1988 no person other than the owner of a motor vehicle can be authorised to use the vehicle as a transport vehicle. Having regard to the aforesaid provisions of the MV Act and Rules and the form of permit in form Pst and in the light of the judgment of the Hon: High Court of Kerala in Bhaskaran Vs RTA, Alleppy (2003(1) KLT 106) the application is **rejected**.

**Supply. Item No. 02**

Heard the learned counsel representing both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-AU-5040**, operating on the route Fort Kochi- Perumpadappu, is **permitted** subject to the clearance of dues to Government, if any.

**Sd/-**

**Chairman, RTA, Ernakulam.**

**Sri. N S K Umesh I.A.S., The District Collector, Ernakulam**

**Member, RTA, Ernakulam.**

**Sd/-**

**Sri. Anoop Varkey, Deputy Transport Commissioner [Law],**

**CZ- II, Ernakulam.**

**Member, RTA, Ernakulam.**

**Sd/-**

**Sri. Dr.Vaibhav Saxena IPS, District Police Chief,**

**Ernakulam Rural, Aluva & Member RTA Ernakulam**