

***MINUTES OF THE REGIONAL TRANSPORT AUTHORITY – MUVATTUPUZHA
HELD AT COLLECTORATE CONFERENCE HALL, ERNAKULAM
ON 17.08.2024 at 12 p.m.***

Present:

1. N S K Umesh IAS, District Collector (Ernakulam); Chairman RTA.
2. Dr. Vaibhav Saxena, District Police Chief (Ernakulam Rural), Member, RTA
3. Anoop Varkey, Deputy Transport Commissioner (CZ-2); Member, RTA

Item No. 1

Heard.

1. This is to :

- a) re-consider the application for fresh stage carriage permit to operate on the route Nedumkandam – Ernakulam Vyttila Hub as limited stop ordinary service (LSOS).
- b) consider the route enquiry report of the Secretary Regional Transport Authority (RTA) Ernakulam forwarded as per the decision of RTA Muvattupuzha held on 23.01.2023 in Item No. 14 and also
- c) consider the decision of Regional Transport Authority Idukki held on (By circulation) 15.02.2024

2. This application was previously considered by this authority held on 23.01.2023 and adjourned the decision for want of a detailed report from the Secretary, RTA Ernakulam for portions lying in the jurisdiction of that authority; Meanwhile the applicant produced an interim order from Hon. High Court of Kerala in WP(C) No. 21966 of 2023 Dtd. 26.07.2023 with a direction to RTA Muvattupuzha to seek concurrence from RTA Idukki within a period of ten days if the application is in order. In obedience to the direction contained in the order of Hon. High Court of Kerala, we sought concurrence from RTA Idukki held on (By circulation) 04.08.2023 in Item No. 1;

3. Concurrence has been obtained from Sister RTA Idukki and fitness certificate in relation to virgin portion has been obtained. Sister RTA Idukki held (By circulation) on 15.02.2024 granted concurrence for the portions of the route lying in their jurisdiction without prejudice to the right of the primary authority to decide the nature of service. As per the report of route enquiry officer, a portion of the route from Kambilikandam to Panamkutty (5 Kms) is virgin and it is further pointed out that Executive Engineer, Public Works Department Idukki has issued road fitness certificate for the virgin portion. Secretary RTA Ernakulam has submitted report on portions lying in the jurisdiction of their area and there is no legal impediment noted in that report;

4. The applicant submitted that he is agreeable to change the class of service from Limited Stop Ordinary Service (LSOS) to Ordinary Service (OS).

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

Instead the applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. This authority is under no legal obligation to grant a 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 by this authority. 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.

We have also considered the provisions contained in KMV Rules 159 (2), The time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

6. Having regard to the aforesaid provisions of the Act and Rules and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 (FB) the matter is **adjourned** until the applicant has:

- a) submitted a modified time table for ordinary service
- b) furnished the registration mark and other particulars of the vehicle before this authority as prescribed under Section 70 (2) of Motor Vehicles Act.

Item No. 2

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Vadattupara – Kothamangalam – Muvattupuzha – Vellaramkuthu – Kottappady as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per his report total route length is 89.5 Kms and there is an overlapping of 2 Kms at Muvattupuzha namely BOC Junction to Muvattupuzha private bus stand. He has further reported that the

proposed route covers remote areas with lesser transportation facilities. The said overlapping on the notified route is not in violation of the approved scheme.

3. The applicant has offered a stage carriage bearing number KL 17 D 9308 owned by him at the time of hearing. Thus fresh permit is **granted** subject of the settlement of timings.

Item No. 3

Heard.

1. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

2. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan vs RTA Thrissur (AIR 1980 KER 119 (FB)), is **adjourned** until after the applicant has furnished the registration mark and other particulars as per the provisions of Section 70 (2) of the Act.

Item No. 4

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Pooyamkutty – Thattekkad – Punnekkad – Kothamangalam as ordinary service.

2. An enquiry on this application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per his report total route length of the proposed route is 28 Kms and there is no overlapping with notified routes. He has also reported that the proposed route covers remote areas not having adequate public transport facilities to reach Kothamangalam.

3. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Item No. 5

Heard.

1. This is an application for fresh stage carriage permit to operate on the inter-district route Vadattupara – Muvattupuzha – Adimaly – Perumbavoor – Kothamangalam and Pothanikkad as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per his reports the route

length is 115 Kms, out of which a distance of 30 Kms lies in the jurisdiction of Sister RTA, Idukki. He further reports that there is an overlapping of 2.5 Kms with notified routes in which:

- i) BOC Junction – Muvattupuzha Latha Stand – 02.00 Kms
- ii) Perumbavoor Pvt. Bus Stand to Signal junction - 0.5 Kms

Thus, the overlapping is within the permissible limits as per G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023.

As per the report of Motor Vehicles Inspector, Kothamangalam overlapping distance at Muvattupuzha is reported to be 2 Kms;

3. Applicant has offered a stage carriage No. KL 37 B 8688 for the grant of the permit. The said stage carriage is not owned by the applicant.

4. Since the route falls within the jurisdiction of the RTA Idukki for a considerable distance concurrence needs to be obtained from that authority. Call for concurrence. The applicant bound to furnish registration mark and other particulars of the vehicle duly registered or transferred in to his name before the next date of consideration of this application.

5. Hence the matter is **adjourned**.

Item No. 6

Heard.

1. This is an application for grant of fresh stage carriage permit on the route Muvattupuzha – Oonnukal – Neriyaamangalam as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Officer, Kothamangalam. As per the report total route length is 54.5 Kms and an overlapping of 2.00 Kms at Muvattupuzha. Thus, the overlapping is within the permissible limits as per G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023.

3. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Item No. 7

Heard.

1. This is an application for fresh stage carriage permit to operate on the route Muvattupuzha – Oonnukal – Neriyaamangalam – Kothamangalam as ordinary service.

2. An enquiry was conducted by Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per the report total route length is 53 Kms and there is an overlapping of 2 Kms at Muvattupuzha; which does not offend the approved scheme G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023

3. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan vs RTA Thrissur (AIR 1980 KER 119 (FB), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Item No. 8

Heard.

1. This is an application for the grant of a fresh stage carriage permit to operate on the route Vellappara – Perumbavoor as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per the report, total route length is 40 Kms and there is an overlapping of 0.5 Kms at Perumbavoor town from Perumbavoor to Signal Junction as per G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023.

3. It is further reported that there is a virgin portion from Vellachira to Vellappara for a distance of 2 Kms. Fitness certificate from concerned authorities seems produced.

4. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

5. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Item No. 9

Heard.

1. This an application for the grant of a fresh stage carriage permit to operate on the route Kochupurackal Kadavu – Paniyeli – Perumbavoor touching Kariyeli (N) as ordinary service.
2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Perumbavoor. As per the report total route length is 18.5 Kms and there is an overlapping of 0.5 Kms with notified routes at Perumbavoor.
3. The applicant has offered a stage carriage bearing registration no. KL 06 H 0860 owned by him. Hence the fresh permit is **granted** subject to settlement of timings.

Item No. 10

Heard.

1. This an application for grant of a fresh stage carriage permit to operate on the route Vaveli – Perumbavoor – Kottappady – Kothamangalam as ordinary service.
2. An enquiry on this application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per the report there is a total distance of 62 Kms with notified route and an overlapping of 0.5 Kms at Perumbavoor with notified routes. The overlapping is not objectionable.
3. The applicant offered a stage carriage bearing registration no. K1 07 BG 4405 owned by him at the time of hearing. The permit is **granted** subject to settlement of timings

Item No. 11

Heard.

1. The application is for fresh stage carriage permit to operate on the route Koothattukulam – Koolancherry via. Vadakara, Valiyappadam, Mannathoor, Piramadam, Pampakkuda, Neithusalappady, Ramamangalam, Poothrikka, Meepara, Kakkattupara as ordinary service

b) to consider the submission of the applicant that the portion of overlapping at Kolencherry town with Ernakulam – Muvattupuzha notified scheme vide G.O. (P) No. 5/2017/Tran. Dtd. 21.02.2017 may be considered as intersection than overlapping with notified portion, which is essential to reach Kolencherry bus stand from Koothattukulam. He has referred the observations made by Hon. High Court of Kerala in a common judgment in WA 1943 of 2012 and 1957 of 2012 and also the observations made by Hon. Supreme Court of India in Adarsh Travels Bus Service & Anr. Vs. State of UP & Ors. (AIR 1986 SC 319) that *when a non-notified cut across a notified route for its onward journey, it is only an intersection and can be permissible.*

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Regional Transport Office, Muvattupuzha. As per the report total route length is 32.4 Kms. He has further reported that there is overlapping with notified routes as:

a) At Kolencherry Town – 100 Mts (Complete exclusion portion as per - Muvattupuzha – Ernakulam Scheme)

b) Koothattukulam Town – Central Jn. To Govt. Hospital Jn. 300 Mts. (Kottyam – Kozhikkode Scheme)

As per the report, there is an overlapping at Kolencherry town below 100 Mts. Which is an inevitable overlapping to reach at Kolencherry from Koothattukulam.

3. Applicant submitted that previously applications through these routes were rejected based on the observation of field enquiry and objections raised by KSRTC that the proposed route objectionably overlaps with clause (4) and (5) of G.O. (P) No. 5/2017/Tran. Dtd. 21.02.2017

4. Applicant has submitted that the portion of overlapping at Kolencherry town may be considered as intersection than overlapping with notified portion, which is essential to reach Kolencherry bus stand from Koothattukulam citing the observation made by Hon. High Court of Kerala in a common judgment in WA 1943 of 2012 and 1957 of 2012 and also the observations made by Hon. Supreme Court of India in Adarsh Travels Bus Service & Anr. Vs. State of UP & Ors. (AIR 1986 SC

319) that when a non-notified cut across a notified route for its onward journey, it is only an intersection and can be permissible. The applicant submitted that in the light of above judgments the cited overlapping with notified route at Kolencherry may be considered as intersection.

5. The applicant has offered a vehicle no. KL 17 B 9295, but it is not owned by the applicant himself. Under the aforesaid facts and circumstances and the provisions of Section 2(30), 66(1) and the judgment the Bhaskaran v. RTA Alleppey (2003(1), KLT 106 the application is **rejected**.

Item No. 12

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 40 L 9058 operating on the route Aluva – Ernakulam – Aroor Temple via. Pookattupadi, Kizhakkambalam, Karimugal, M G Road as ordinary service.

As

a) Proposed Deviation

5th trip

Thripunithura - Vyttila Hub via. Petta, Kundannur (Instead of Thripunithura - Kaloor via. Vyttila, Kathrikadavu)

6th Trip

Vyttila Hub - Thripunithura via. Thykkoodam, Chambakkara, Pettah (Instead of Kaloor - Thripunithura via. Padma)

10th trip

Thripunithura - Vyttila Hub via. Petta, Kundannur (Instead of Thripunithura to Aroor Temple via. Vyttila)

11th trip

Vyttila Hub - Thripunithura via. Thykkoodam, Chambakkara, Pettah (instead of Aroor Temple to Thripunithura via. Vyttila)

b) Curtailment

5th trip - Thripunithura - Kaloor via. Kathrikadavu

6th trip - Kaloor - Thripunithura via. Padma and Vyttila

7th trip - Thripunithura to Kaloor via. Kathrikadavu

8th trip - Kaloor to Thripunithura via. Padma and Vyttila

10th Trip - Thripunithura to Aroor Temple via. Vyttila

11th trip - Aroor Temple to Thripunithura via Vyttila

2. From the report of route enquiry officer it is evident that the curtailment of trips like Thripunithura to Kaloor and back; Thripunithura to Aroor Temple and back will adversely affect the travelling public who are accustomed with the existing timings of the vehicle.

Proposed deviation of trip from Pettah to Vyttila Hub via. Maradu and Kundannoor may be beneficial to the travelling public.

It is noted that the curtailment of trips in the notified route will adversely affect travelling public since this restricts more traveling facility by private stage carriages.

3. We have also considered this application in accordance with the provisions envisaged in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; No such circumstances has arisen since the permit was originally granted.

4. Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; and also, the observations of route enquiry officer, this authority is not convinced of any public interest in the event of this variation; On the other hand, the proposed variation will affect the existing facility on the existing route Aluva – Aroor Temple. Hence **rejected**.

Item No. 13

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 44 5052 operating on the route Perumbavoor – Kothamangalam – Oonnukal – Uppukulam and Perumannoor as ordinary service.

As

Halting place change to Uppukulam from Perumbavoor and trip arrangements

2. We have also verified the report of Motor Vehicles Inspector, Kothamangalam in this regard. As per the report, in the proposed variation, there is no change in existing route length and no additional overlapping with notified routes. The request is to change the halting place and trip rearrangements. Route enquiry officer has categorically stated that change in halting place and re-arrangement of trips will adversely affect public and it is against the interest of travelling public. As per his enquiry, the reasons mentioned in the application for variation is not genuine and this will lead to unhealthy competition among other en-route operators.

3. As per the proposed time schedule most of the trips were changed. Further, this is a case where the termini is altered and most of the timings are also changed, Section 80 (3)(i) of the Act states that, *in the case of variation, the termini shall not*

be altered... in this case, the request is for changing the termini and this authority is of the opinion that this is against the interest of travelling public. We have also verified the provisions contained in Kerala Motor Vehicles Rules 145 (6) & (7). No such circumstances has arisen in this route which warrants such changes. This authority is not convinced of any public interest in the event of this variation; on the other hand the proposed variation will affect the existing facility on the existing route Perumbavoor – Kothamangalam- Onnukal – Uppukulam and Perumannoor. Hence **rejected**.

Item No. 14

This is to consider the application for variation of regular permit in respect of Stage Carriage KL 17 D 9308 operating on the route Vadattupara – Muvattupuzha via. Keerampara, Nadukani, Kothamangalam, Nellikuzhi, 314 Road, Nirappe, Keecherippadi and Puthuppady as ordinary service.

As

Two trips 08.24 a.m. and 02.15 p.m. operating between Kothamangalam – Muvattupuzha via. 314, MM Kavala, Ponnirikkaparambu, Nirappe, intend to vary as Kothamangalam – Muvattupuzha via. Nellikuzhi, Cheruvattur, Kashayappady, Nirappe

Applicant absent and **adjourned** the decision on this applicaiton

Item No. 15

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 33 5409 operating on the route Inchathotty – Neriyaamangalam – Kothamangalam – Perumbavoor via. Onnukal, Charupara, Punnekkad, Keerampara and Nellimattom as ordinary service. As curtailment of one trip from Avolichal - Charupara – Punnekkad – Keerampara – Chelad - Kothamangalam and return; Deviation from Avolichal – Thadikkulam – Oonnukal Nellimattom, Kothamangalam.

2. The matter was enquired by the Motor Vehicles Inspector, Kothamangalam and as per his report, there is no change in overall route length and there is no overlapping. Proposed variation is from Avolichal to Onnukal via. Thadikkulam proceeding to Kothamangalam via. Nellimattom by curtailing Avolichal to Kothamangalam via. Charupara, Punnekkad, Keerampara, Chelad. He further reported that Stage Carriages are operating curtailed route in a time gap of 15 Minutes; Avolichal – Oonnukal via. Thadikkulam time gap is 60 Minutes and hence proposed variation is beneficial to the travelling public.

3. Therefore, the variation of regular stage carriage permit on the proposed route is **allowed** subject to settlement of timings. The permit holder is directed to produce the current records of the stage carriage for endorsing the granted variation within thirty days of communication of this decision failing which, steps will be taken to revoke the sanction.

Item No.16

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 59 B 8884 operating on the route Kothamangalam - Aluva Permit - No.17/1130/2003 expired on 25.11.2023 in which overlapping with notified route is more than permissible limits as per Clause 5 (c) of G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023

2. Initially the permit was issued on the route Kanichattupara – Perumbavoor – Aluva during 2003;

3. This permit was later varied as per the decision of RTA Muvattupuzha held on 13.02.2015 in Item No. 24 followed by a time settlement on 04.06.2015 & 20.06.2015 in such a way that

Halting and starting changed from Kanichattupara to Perumbavoor and the last trip from Perumbavoor at 07.50 extended to Kothamangalam and return to Perumbavoor. However, in this variation, one trip from Perumbavoor to Aluva was added in such a way that trip from Perumbavoor at 01.38 p.m. to Aluva arriving at 02.21 p.m. and departing from 02.42 to Perumbavoor.

4. We could not consider a trip which is not allowed by this authority as part of variation application held on 13.02.2015 in Item No. 24. Thus the application for renewal is considered without that trip to Aluva. Since the permit had been issued in the year 2003 we could not find any legal impediment in renewing the same.

5. Thus renewal of permit is **granted** subject to the condition that one trip at 01.38 p.m. from Perumbavoor to Aluva and back accidentally included in the time sheet shall be excluded, if such an extension from Perumbavoor to Aluva is deemed to have been knowingly allowed, the permit as a whole will fall out of the saving provided in the scheme.

a) Avoid the additional trip added to Aluva starting from Perumbavoor at 01.38 p.m. and return.

b) Clearance and back dues to Government and

c) Production of current records including NOC from the financier, if applicable within 30 days from the date of publication of decision.

Item No.17

Heard.

1.This is to consider the application for renewal of permit in respect of the stage carriage KL 05 U 8648 operating on the route Kolencherry – Koothattukulam via. Peruvammozhi, Pampakkuda, Anchalpetty as mofussil ordinary service with Permit -No.17/395/2015 expired on 09.04.2020. Application for renewal of permit was in time; however, the applicant could not produce records in time since the vehicle was in non-use intimation.

2. We have verified connected records and the delay occurred in production of current records is condoned.

3. Thus, renewal of permit is **granted** subject to:

- a) Clearance of all dues to Government if any
- b) Production of current records including NOC from the financier, if applicable within 30 days from the date of receipt of decision.

Item No.18

Heard.

1.This is to consider the belated application for renewal of permit in respect of the stage carriage KL 38 A 3472 operating on the route Perumbavoor – Kothamangalam via. Kuruppumpady, Odakkaly, Nellikuzhy, Thamkalam as mofussil ordinary service with Permit -No.17/101/1998 expired on 27.01.2024; Application submitted on 27.01.2024 and ratify the renewal of permit.

2. Letter from the permit holder in delayed submission of application for renewal is accepted and condoned the delay.

3. Thus, renewal of permit is **granted** and ratified the decision of the Secretary in allowing the renewal of permit.

Item No.19

Heard.

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

Item No.20

Heard.

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

Item No.21

Heard.

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

Item No.22

Heard.

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

Item No.23

Heard.

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

Item No.24

Heard.

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

Item No.25

Heard.

Transfer of permit **adjourned** till the permit is renewed.

Item No. 26

Heard.

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

Item No.27

Heard.

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

Departmental Item No. 1

Ratified the work done by the Secretary, RTA, Muvattupuzha under delegated powers.

Additional Item No. 1

Heard.

1. This is to re-consider the application for fresh stage carriage permit to operate on the route Koovappady – Perumbavoor – Panamkuzhy as ordinary mofussil service.
2. This application was placed before the RTA held on 23.12.23 in Item No. 3 adjourned for a modified report.

3. MVI of Sub- Regional Transport Office, Perumbavoor re-enquired the application. As per his report:

This is an intra-district route with a total route length of 26.5 Kms. Portion of the route from Kochangady to Vallam Capela Junction for a distance of 0.5 Kms is virgin and road fitness certificate has been produced by the applicant.

Total overlapping with nationalized routes as per G.O. (P) No. 13/2023/Trans. Dtd. 03.05.2023 is 1.2 Kms and which is less than 5% of total route length. Hence the overlapping is not objectionable. It is further reported that the proposed road has sufficient width for conducting stage carriage service.

4. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

5. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Additional Item No.2

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Kolencherry Pallithazham – Mulamthuruthy as ordinary service.
2. We have verified the report of route enquiry officer. As per the report, total route length is 37.6 Kms and there is no overlapping with any of the notified routes. However, one of the termini of this permit is Kolencherry Pallithazham. There is bus stand in Kolencherry and as per the proposal, this stage carriage is not entering into the bus stand. This will be against the interest of passengers. Moreover, there is no halting place for stage carriages in Kolencherry Pallithazham.
3. Starting places and termini of stage carriages are well explained in Rule 207 of Kerala Motor Vehicles Rules 1989. There is a bus stand available in Kolencherry maintained by the local authority and it mandatory to start and halt the stage carriage services operating and to Kolencherry. Things are being so the application is for a stage carriage service from Kolencherry Pallithazham and we are also agreeing with the findings of route enquiry officer that the change in termini is not beneficial for the travelling public.
4. Further, the applicant has not, even at the time of hearing the application on this open forum, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him as a transport vehicle. We have also examined the requirements specified in the application form of a fresh stage carriage permit-P.St.*

Applicant has offered a 'suitable vehicle' that has no existence outside his own imagination. Thus, this authority is under no legal obligation to grant this permit to a non-existent vehicle. The suitability of 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 to promote illegal sale and trafficking in permit.

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

5. Having regard to the facts and circumstances and the provisions in Section 2 (30), 66(1) and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 (FB), and also in Bhaskaran v. RTA alleppey (2003(1) KLT 106) the application is **rejected**.

Additional Item No. 3

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Malayattoor Church – Akanad – Perumbavoor – South Vallam – Chelamattom – Parappuram Parappuram – Kalady – Naduvannur as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector Sub-Regional Transport Office, Perumbavoor. As per the report, total route length is 43 Kms and there is an overlapping of 0.5 Kms and which is not objectionable as per G.O. (P) No. 13/2023 Dtd. 03.05.2023.

3. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Additional Item No. 4

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Peruvamozhi – Piravom – Muvattupuzha – Kothamangalam – Thattekkad Temple as ordinary service.
2. An enquiry on the application was conducted through Motor Vehicles Inspector, Regional Transport Office, Muvattupuzha. As per his report, total route length is 56 Kms and an overlapping of 2.6 Kms with notified route, which is not objectionable as per G.O.(P) No 13/2023/Trans. Dtd. 03.05.2023.
3. Starting and halting termini is Peruvammozhy; there is not sufficient space for parking/halting a stage carriage. Starting places and termini of stage carriages are well explained in Rule 207 of Kerala Motor Vehicles Rules 1989.
4. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

5. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), and Bhaskaran v. RTA alleppey 2003(1), KLT 106 the application is **rejected**.

Additional Item No. 5

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Vellaramkuth - Manarcadu Church as ordinary service.
2. An enquiry on the application was conducted through Motor Vehicles Inspector, Regional Transport Office, Muvattupuzha. As per the report this is an inter-district route with total route length is 112.8 Kms. There is an overlapping of 4.8 Kms with notified route; Which is less than 5% of total route length and not objectionable as per G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023.
3. Starting places and termini of stage carriages are well explained in Rule 207 of Kerala Motor Vehicles Rules 1989. Manarcaud Church is one of the termini suggested by the applicant and we are of the opinion that where and how the applicant is going to park the stage carriage at Manarcaude Church.
4. Since the route falls within the jurisdiction of the RTA Kottayam and RTA Idukki for a considerable distance concurrence needs to be obtained from that authority. Call for concurrence. The applicant bound to furnish registration mark and other particulars of the vehicle duly registered or transferred in to his name before the next date of consideration of this application.
5. Hence the matter is **adjourned**.

Additional Item No. 6

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Perumbavoor – Kothamangalam as ordinary service.
2. An enquiry on the application was conducted through Motor Vehicles Inspector, Sub-Regional Transport Office, Kothamangalam. As per the report, total route length is 19 Kms and there is an overlapping of 0.5 Kms with notified routes; which is less than 5% of total route length and not objectionable as per G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023.
3. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person*

other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed thereunder and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the matter is **adjourned** until after the applicant has furnished the registration mark and its particulars of the vehicle owned by him as per the provisions of Section 70 (2) of the Act.

Additional Item No. 7

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Manarcadu Kavala – Vellaramkuthu as ordinary service

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Regional Transport Office, Muvattupuzha. As per the report total route length is 116.7 Kms and there is overlapping with notified routes for a distance of 4.8 Kms. which is less than 5% of total route length and not objectionable as per G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023.

3. Starting places and termini of stage carriages are well explained in Rule 207 of Kerala Motor Vehicles Rules 1989. Manarcaud Kavala is one of the termini suggested by the applicant and we are of the opinion that where and how the applicant is going to park the stage carriage at Manarcaude Kavala.

4. Since the route falls within the jurisdiction of the RTA Kottayam and RTA Idukki for a considerable distance concurrence needs to be obtained from that authority.

Call for concurrence. The applicant is bound to furnish registration mark and other particulars of the vehicle duly registered or transferred in to his name before the next date of consideration of this application.

5. Hence the matter is **adjourned**.

Additional Item No. 8

Heard.

1. This is to

- a) consider the application for fresh stage carriage permit to operate on the route Panikkankudy – Aluva via. Adimaly, Kothamangalam and Perumbavoor as Limited Stop Ordinary Service (LSOS) in respect of the stage carriage (SC) KL 17 Y 5035 of suitable stage carriage.
- b) consider the application for temporary permit on the above route in respect of stage carriage KL 17 Y 5035 for 20 days to meet temporary need due to festival and harvesting season which co-exist with the regular need and pending grant of regular permit and
- c) peruse the directions contained in the Judgment of Hon. STAT in MVAA No. 139/2024; Dtd. 11.07.2024

2. Temporary Permit

- a) An application for temporary permit on this route was submitted by the applicant in respect of SC KL 17 Y 5035 in place of the lapsed vacancy of permit in respect of SC KL 40 E 7889.
- b) He has also produced a judgment from Hon. High Court of Kerala in WP(C) No. 16510 of 2024; Dtd. 25.04.2024 which directs the undersigned to take up this application and pass appropriate orders within a period of three weeks.
- c) Applicant was heard by the Secretary, RTA, Muvattupuzha and rejected the application for temporary permit submitted u/s 87(1) c and proceedings issued.
- d) Against the rejection proceedings, the applicant approached Hon. STAT and Hon. STAT disposed the petition in Judgment of Hon. STAT in MVAA No. 139/2024; Dtd. 11.07.2024.
- e) As per the judgment,
 - i) There is a direction to this authority to consider the application for regular permit as per law in the forthcoming RTA meeting and
 - ii) The Appellant is at liberty to file application for temporary permit as per law.
- f) Thus, it is clearly stated that the permit holder withdrawn the vehicle and the authority issued clearness certificate to the stage carriage on 09.03.2015. It is also

found that there is no temporary need for issuing the permit. It is also stated in the impugned order that the KSRTC has taken over the permit and from Nedugandam depot the service is conducting. Therefore, there is no necessity for issuing temporary permit.

g) The directions contained in the Judgment of Hon. High Court of Kerala in WA No. 993 of 2017 Dtd. 15.06.2017 against the Judgment Dtd. 28.03.2017 in WP(C) No. 9361 of 2017 are also reviewed in this regard. The Judgment of Hon. Division Bench (2017(3) KHC 614 : 2017 (3) KLT 126 : 2017 (3) KLJ 230 : AIR 2017 Ker. 209 (DB) reads:

“....For grant of temporary permit, the authorities are required to consider the conditions as stipulated in Section 87 of Motor Vehicles Act and only if one or the other of those conditions is satisfied, then for a limited period as stipulated in the said section, temporary permit can be granted.”

3. Thus, we are of the common opinion that:

a) As per the entries against Clause (4) of the approved Scheme 13/2023/Trans; 03.05.2023, private operators are entitled to operate as ordinary services only and not as L S O Services. Hence application for fresh permit is **rejected**.

b) For the reasons cited above, this authority **rejected** the application for temporary permit also in respect of stage carriage KL 17 Y 5035 on the route Panikkankudy – Aluva via. Adimali.

Additional Item No. 9

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Mulappuram – Piravom as ordinary service.

2. An enquiry on the application was conducted through Motor Vehicles Inspector, Regional Transport Office, Muvattupuzha. As per the report, this is an inter-district route with total route length 61 Kms and there is an overlapping of 0.9 Kms with notified routes; which is less than 5% of total route length and not objectionable as per G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023 and as per Clause 5 (c) of G.O. (P) No. 5/2017/Tran. Dtd. 21.02.2017, distance of 1.7 Kms from BOC Junction to KSRTC Bus stand Muvattupuzha is permitted to overlap with other route permits. Hence effective overlapping avoiding 1.7 Kms from total of 2.6 Kms is 0.9 Kms.

3. It is also reported that the starting and halting termini is Mulappuram; there is not sufficient space for parking/halting a stage carriage. Starting places and termini of stage carriages are well explained in Rule 207 of Kerala Motor Vehicles

Rules 1989. Mulappuram is one of the termini suggested by the applicant and we are of the opinion that where and how the applicant is going to park the stage carriage at Mulappuram is not mentioned in the application. Similarly, route enquiry officer has reported that the road between Mulappuram and Thommankuth is in a depilated condition and a road fitness certificate needs to be obtained from the corresponding Officer from the Public Works Department (Roads).

4. The applicant has not, even at the time of hearing on 17.08.2024, furnished the registration mark and other particulars of any vehicle owned by him. As per the provisions contained in Section 66 (1) of the Motor Vehicles Act 1988, *No person other than the owner of a motor vehicle is entitled to a permit authorizing him to use as a transport vehicle.*

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

We have also considered the provisions contained in KMV Rules 159 (2), the time limit prescribed in this Rule is to produce the registration certificate of the vehicle in favor 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.

4. Having regard to the aforesaid provisions of the Act and Rules framed there under and the judgments pronounced by the Hon. High Court of Kerala in Natarajan vs. STAT, (AIR 1999 KER 207) and Narayanan Vs RTA Thrissur (AIR 1980 KER 119 full bench), the application is **rejected**

Additional Item No. 10

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 38 C 5832 (On LA) as LSOS operating on the route Mamalakkandam – Pinavoorkudy via. Neriamangalam, Kothamangalam, Vettilappara, Thattekkad.

As

a) Deviation of trip from Mamalakkandom to Kothamangalam at 11.58 a.m. via. Panthapra, Urulanthanni, Kuttampuzha, Thattekkad instead of 6th Mile, Neriamangalam.

b) Curtailment of Malalakkandam – Kothamangalam trip at 11.58 a.m. via. 5th Mile, Neriyaamangalam

2. We have verified the enquiry report received from Motor Vehicles Inspector Muvattupuzha. As per the report, total route length of the permit is 82 Kms and the route is intra-district in nature. After variation route length becomes 88.4 Kms; Proposed variation is within the district and there is no overlapping with notified routes. Enquiry officer further suggested that this variation involves a curtailment of 41 Kms and deviation of 32.2 Kms; moreover, portion of the curtailed area, Mamalakkandom to 6th Mile falls in the forest area. As per the report only three stage carriages are operating on this route. Thus, this variation likely to affect travelling public of this area. 6th Mile to Kothamangalam is well-served route with time gap of 5 Minutes.

3. Thus, this authority considered the observations of the route enquiry officer that the proposed variation will adversely affect the travelling public of the curtailed portion and we do not want to overrule the same.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; and also, the observations of route enquiry officer, this authority is not convinced of any public interest in the event of this variation; on the other hand, the proposed variation will affect the existing facility on the existing route Mamalakkandom - Pinavoorkudy. Hence **rejected**.

Additional Item No. 11

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 03 Y 2700 operating on the route Ernakulam – Muvattupuzha via. Kakkanad, Pallikkara, Kizhakkambalam, Pattimattom, Kolankudy, Mangalathu Nada, Vazhappilly

As

Last trip from Pattimattom to Muvattupuzha and back will curtail and extension from Pattimattom to Akkampara via Kolankudy and return.

2. The proposed variation includes an extension of 6th Trip from Pattimattom to Akkampara via. Kolankudy; 7th Trip from Akkampara to Pattimattom via.

Kolankudy; this also involves a deviation of 6th trip from Pattimattom (07.55 p.m.)

to Akkampara (08.10 p.m.) and there is a curtailment from Pattimattom to Muvattupuzha and Muvattupuzha to Pattimattom

3. This authority considered the observations of the route enquiry officer that the proposed variation will adversely affect the travelling public of the curtailed portion and we do not want to overrule the same.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; and also, the observations of route enquiry officer, this authority is not convinced of any public interest in the event of this variation; on the other hand, the proposed variation will affect the existing facility on the existing route. Moreover no circumstances enumerated in Rule 145(6) have arisen warranting variation of route. Hence **rejected**.

Additional Item No.12

Duplication of agenda; Item No. 13 of this RTA.

Erratum agenda approved and this item deleted.

Additional Item No.13

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 40 L 8355 operating on the route Perumbavoor – Chottanikkara as Ordinary service

As

a) Curtailing 4th Trip Kolencherry (11.30 a.m.) to Chottanikkara (12.20 p.m.) and return (01.05 p.m. – 01.55 p.m.)

b) Additional trip Kolancherry (11.30 a.m.) to Pulinchottikurisse (11.43 a.m.) and return (01.30 p.m. – 01.43 p.m.)

2. Route enquiry report received from Motor Vehicles Inspector, Kothamangalam on variation of permit reveals that the total route length is 38 Kms and as per the proposed variation route length increased to 42.1 Kms. Proposed variation is within the district and there is no legal impediment in respect of notification.

3. Variation is **granted** subject to settlement of timings

Additional Item No.14

Heard.

1. This is to re-consider the application for renewal of permit in respect of the stage carriage KL 38 7594 operating on the route Info-park – Ramamangalam via. HMT Jn., Medical College, Aluva Carmel, Choondy, Muthirakkattumugal, Pukkattupady, Kizhakkambalam, Kolencherry Hill top, Thookkupalam; permit no. 17/2290/2013 expired on 18.09.2023.

2. This application was paced before the RTA held on 23.12.2023 in Item No. 22 and adjourned the decision for want of re-enquiry.

3. Motor Vehicles Inspector, Perumbavoor re-enquired the matter and reported that the total route length is 53.5 Kms. Total overlapping distance is 2.2 Kms. As per Clause 5 (c) of G.O.(P) No. 13/2023/Trans. Dtd. 03.05.2023, the overlapping is not objectionable

4. Therefore, renewal of permit is **allowed** subject to the production of Non-Objection Certificate from the financier, if applicable and subject to the clearance of dues to the government, if any and also production of current records of the vehicle within 30 days of communication of this decision.

Additional Item No.15

Heard.

1.To consider the application for renewal of permit in respect of the stage carriage KL 05 AK 5096 operating on the route Pooyamkutty – Aluva via. Punnekkad, Chelad, Kothamangalam, Oodakkali, Kuruppumpady, Perumbavoor as Limited Stop Ordinary Service (LSOS) permit no. 17/90/1994 expired on 25.04.2024.

2. An enquiry report was submitted by Motor Vehicles Inspector, Kothamangalam. As per the report, total route length of the permit is 69 Kms and there is an overlapping of 3.7 Kms with notified route; which is objectionable.

3. Total overlapping is more than permissible limits; however, since the permit is issued before 14.07.2009, permit is renewable as per G.O.(P) No. 13/2023/Tran. Dtd. 03.05.2023.

4. We have also verified the report and the class of service of the stage carriage is Limited Stop Ordinary Service; as per the provisions stipulated in Clause 4 of G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023, private stage carriage operators will be permitted to operate as ordinary service only with stops in all approved bus stops under Rule 206 of KMVRs.

5. Therefore, renewal of permit is **allowed** as **Ordinary Service** subject to the production of Non-Objection Certificate from the financier, if applicable and subject to the clearance of dues to the government, if any and also production of current records of the vehicle within 30 days of communication of this decision.

Additional Item No.16

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 07 CG 8604 operating on the route Vadattupara – Aluva via. Chelad,

Kothamangalam, Oodakkali, Kuruppumpady, Perumbavoor Poonjasserry, South Vazhakkulam as Limited Stop Ordinary Service (LSOS).

2. An enquiry report was submitted by Motor Vehicles Inspector, Kothamangalam. As per the report total route length is 61 Kms and total overlapping distance is 3.7 Kms. Total overlapping is more than permissible limits; however, since the permit is issued before 14.07.2009, permit is renewable as per G.O.(P) No. 13/2023/Tran. Dtd. 03.05.2023.

3. We have also verified the report and the class of service of the stage carriage is Limited Stop Ordinary Service; as per the provisions stipulated in Clause 4 of G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023, private stage carriage operators will be permitted to operate as ordinary service only with stops in all approved bus stops under Rule 206 of KMVRs.

4. Therefore, renewal of permit is **allowed** as **Ordinary Service** subject to the production of Non-Objection Certificate from the financier, if applicable and subject to the clearance of dues to the government, if any and also production of current records of the vehicle within 30 days of communication of this decision.

Additional Item No.17

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 34 F 6099 operating on the route Pothanikkad – Aluva via. Adivad, Kothamangalam, Oodakkali, Kuruppumpady, Perumbavoor, South Vazhakkulam Choondy as Limited Stop Ordinary Service (LSOS)

2. An enquiry report was submitted by Motor Vehicles Inspector, Muvattupuzha. As per the report total route length is 48 Kms and total overlapping is 3.7 Kms. Thus, total overlapping is more than permissible limits; however, since the permit is issued before 14.07.2009, permit is renewable as per G.O.(P) No. 13/2023/Tran. Dtd. 03.05.2023.

3. We have also verified the report and the class of service of the stage carriage is Limited Stop Ordinary Service; as per the provisions stipulated in Clause 4 of G.O. (P) No. 13/2023/Tran. Dtd. 03.05.2023, private stage carriage operators will be permitted to operate as ordinary service only with stops in all approved bus stops under Rule 206 of KMVRs.

4. Therefore, renewal of permit is **allowed** as **Ordinary Service** subject to the production of Non-Objection Certificate from the financier, if applicable and subject to the clearance of dues to the government, if any and also production of current records of the vehicle within 30 days of communication of this decision.

Additional Item No. 18

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 17 Y 6968 (previous stage carriage KL 40 H 2025) operating on the route Paingottoor – Ernakulam Kaloor, Ayavana, Karimattom, Randarkara, Kizhakkekkara, Muvattupuzha, Nellad, Pattimattom, Kizhakkambalam, Pallikkara, Kakkanad, Palarivattom, Kaloor as Limited Stop Ordinary Service (LSOS)
2. An enquiry report was submitted by Motor Vehicles Inspector, Muvattupuzha. As per the report total route length is 70 Kms and there is an overlapping of 5 Kms with notified routes.
3. We have verified the report and connected files and feel that an error is apparent in the calculation of notified routes. We strongly feel that a re-enquiry is essential in this case.
4. Hence, the Secretary, RTA will re-enquire the matter and report on this application; till then
 - a) Temporary permit u/s 87 (1) d may be granted against the application of the permit holder
 - b) decision on this application is **adjourned**.

Additional Item No. 19

Heard.

1. This is a request by the grantee of fresh stage carriage permit on the route Koothattukulam – Piravom touching Muvattupuzha via. Kizhakkombu, Chambmala, VISAT College, Elanji, Namakuzhi, Thazhathemukkada, Kalluvettumada, Palachuvadu, Manimalakkunnu, Valiyapadam, Mannathur, Mentor College, South Marady as ordinary service for getting maximum time for producing the current records of a suitable stage carriage for endorsing the granted permit.
2. This authority held on 23.12.2023 in Item No. 9 granted fresh stage carriage permit subject to the production of current records of a suitable vehicle within 30 days and also subject to settlement of timings.
3. On 20.06.2024, applicant produced the records of the stage carriage KL 68 6067 for endorsing the granted permit. As per the notes of the Secretary, RTA proceedings of the meeting was sent to the grantee of the permit on 27.02.2024.
4. This authority considered the request of the grantee of the permit and **allowed** maximum time specified as per Rule 159 Kerala Motor Vehicles Rules for the production of current records of the stage carriage KL 68 6067.

Additional Item No. 20

Heard.

1. This is a request for adding two more stage carriages viz. KL 38 E 5566 and KL 38 H 8899 to the list of interchangeable stage carriages issued as per order no. G/5004/2017/EM Dtd. 30.08.2017.
2. As per order number G/5004/2017/EM; Dtd. 30.08.2017, Secretary, Regional Transport Authority has issued interchangeability of following five stage carriages operating on the route Thodupuzha – Muvattupuzha owned by the applicant.

Sl. No	Vehicle No.	Permit No.	Route
1	KL 38 C 6161	17/26/1996	Thodupuzha - Muvattupuzha
2	KL 38 D 3600	17/2/2004	Thodupuzha - Muvattupuzha
3	KL 38 E 0700	17/10/1997	Thodupuzha - Muvattupuzha
4	KL 38 C 8899	17/35/2002	Thodupuzha - Muvattupuzha
5	KL 38 E 2828	17/162/1995	Thodupuzha - Muvattupuzha

3. Now the applicant has submitted a request for adding two more stage carriages to the list of five stage carriages for interchangeability as per the provisions contained in KMVRs 181

List of New Stage Carriages to the above Interchangeability List

Sl. No	Vehicle No.	Permit No.	Route
1	KL 38 E 5566	17/127/1991	Thodupuzha - Muvattupuzha
2	KL 38 H 8899	17/149/1997	Thodupuzha - Muvattupuzha

4. Motor Vehicles Inspector, Muvattupuzha has enquired the genuineness of the application and he has ascertained that the applicant is bona-fide.
5. KMVRs 181. Use of stage carriage on more than one route.-

If a person holds stage carriage permits for two or more routes, the Regional or State Transport Authority may, in exceptional circumstances, permit him to use a vehicle in respect of which he holds a valid stage carriage permit on any of such routes, provided that the vehicle shall be used only for the provision of such transport facilities as the owner is authorised to provide in accordance with the terms of the permit which he holds

6. We have considered the application in accordance with the provisions contained in Rule 181 quoted above. Thus, application for interchangeability as requested by the permit holder is **allowed** as per the provisions stipulated in KMVRs 181.

Additional Item No. 21

1. This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Poopara – Vyttila Hub as Limited Stop Ordinary Service.

2. This is a request from the sister RTA, Idukki held on 04.06.2022, Item No. 6 (J1/1451/2022/ID; 04.06.2022).

3. This was enquired by the Motor Vehicles Inspector, Kothamangalam and he has reported that the route length of the portion falls under the jurisdiction of this authority is 49 Kms from Neriamangalam to Chembracky. There is an overlapping of 1.5 Kms with nationalized route from Signal Junction to Palakkattuthazham at Perumbavoor.

4. Thus, concurrence is **granted** from this authority for the application subject to the right of primary authority to take a final decision on this application for fresh stage carriage permit.

Additional Item No. 22

Heard.

1. This is to consider the application for issuing a bus stop near to Soolamthazham Kurissupalli (Muvattupuzha – Piravom Road) by Sri. O.P. Baby, President, Marady Grama Panchayath through Taluk Vikasana Samiti, Muvattupuzha.

2. The matter was enquired by the Motor Vehicles Inspector, Muvattupuzha and as per the report:

a) In Piravom – Muvattupuzha route, proposed bus stop is in a in a declinable plane. Sharp bend and slanting position of the road increases the risk of accidents.

b) A distance of 400 Mts to the next bus stop and there is 600 Mts to the previous one

c) Tared portion of the road is of 8 Mts width and total width is 10 Mts.

d) Proposed bus stop is in a sharp bend curve and having narrow road, allowing a bus stop may cause accidents.

3. Thus, we are of the common opinion that the proposed site is not feasible for a bus stop and hence the application is **rejected**.

Additional Item No. 23

Heard.

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

Additional Item No. 24

Heard.

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

Additional Item No. 25

Applicant is absent. **Adjourned**.

Additional Item No. 26

Heard.

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

Additional Item No. 27

Heard.

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

Additional Item No. 28

Heard.

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

Additional Item No. 29

Heard.

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

Additional Item No. 30

Heard.

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

Additional Item No. 31

Heard.

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

Additional Item No. 32

Heard.

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

Additional Item No. 33

Heard.

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

Additional Item No. 34

Heard.

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

Additional Item No. 35

Heard.

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

Additional Item No. 36

Heard.

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

Additional Item No. 37

Heard.

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

Additional Item No. 38

Heard.

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

Additional Item No. 39

Heard.

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

Additional Item No. 40

Heard.

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

Additional Item No. 41

Heard.

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

Additional Item No. 42

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

Additional Item No. 43

Heard.

1. Stage carriage KL 05 S 3324 is covered by a regular permit to operate on the route Muvattupuzha – Thodupuzha via. Pandappilly valid up to 03.12.2024. An application for transfer of permit has been received, considered and granted by the RTA held on 23.12.2023 in Item No. 46.

2. Now in order to replace the vehicle and for subsequent arrangements both the applicants jointly decided to withdrew the application for transfer of permit.

3. Thus, we have no objection in withdrawing the application for transfer of permit and the decision taken by this authority is nullified.

Additional Item No. 44

Heard.

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

Additional Item No.45

Heard.

1. Stage Carriage KL 05 X 8495 has been operating on the route Koodalappad – Aluva with regular stage carriage permit with permit no. 17/1600/2005 and valid up to 07.01.2026.

2. The operator curtail the trip to Koodalappad frequently and a series of complaints received before this authority on the illegal act of violation of permit conditions of the permit holder. As per the note of Secretary, RTA, several times informed the permit holder about his act of violation of permit conditions and directed him to complete the trips as issued in his timing and permit proceedings.

However, the permit holder was not ready to operate trips to Koodalappad.

3. Several complaints on curtailment of trips of this stage carriage were forwarded to the office of the Secretary even from Navakerala Sadasse.
4. Subsequently, enforcement officials have checked the vehicle and check reports were prepared and imposed fine as prescribed by law against the stage carriage
5. We have also verified the electronic challans prepared against the stage carriage.
6. The learned counsel of permit holder submitted that the operator will conduct services as per schedule in future.
7. The permit holder was not prepared to pay a sum of money determined by this authority under Section 86 (5) of the Act. The permit holder is a habitual offender. This authority is of the opinion that it would be necessary and expedient to suspend the permit. Therefore the permit of the stage carriage KL 05 X 8495 is **suspended for a period of 10 days from 15.11.2024 onwards.**

Anoop Varkey, Deputy Transport Commissioner (CZ-2); Member, RTA – Sd/-

Dr. Vaibhav Saxena, District Police Chief (Ernakulam Rural), Member, RTA – Sd/-

N S K Umesh IAS, District Collector (Ernakulam); Chairman RTA – Sd/-