

**Decision of the Regional Transport Authority,
Kottayam dtd 22-02-2018**

- Present-1.Sri. B S Thirumeni IAS District Collector & Chairman RTA Kottayam.**
2.Sri. V M Muhammed Rafeeqe IPS, District Police Chief, Member RTA
3.Sri. M P Ajithkumar, Deputy Transport Commissioner, C Z II and Member RTA.

Item No. 01

G1/15041/2018/K

Heard; the learned counsel represented the STU, the applicant. This is the application for the grant of fresh regular permit in respect of stage carriage KL-15-9918 on the route **ERATTUPETTA – MELADUKKAM via, Teekoy, Adukkam and Addl trips as ERATTUPETTA – KAIPPALLY via Poonjar, ERATTUPETTA – THALANADU, via Teekoy, ERATTUPETTA – MANKOMBU SCHOOL via, Moonnilavu, ERATTUPETTA – ADIVARAM via, Poonjar as Ordinary Service.** The applicant is the beneficiary of the notified schemes. Age of the offered stage carriage is within the limit prescribed by the STA. Therefore proposed regular permit is granted to stage Carriage **KL 15 9918** with proposed set of timings.

Item No. 02

G1/7298/2018/K

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to SC **KL 41 J 7175 / another suitable vehicle** to operate on the route **AMBIKA MARKET – NEREKADAVU FERRY** via, Bund Road, Edayazham, Ullala, Thottakam School, Vaikom & Madiyathara School as **Ordinary Service.**

Route portion of 900 meter from Vaikom KSRTC to Ring Road objectionably overlaps on Ernakulam – Thekkady notified Scheme 42/2009 Trans dtd 14/07/2009. This overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. The route portion from Madiyathara Jn to Nerekadavu jn 1.2 kms is virgin and road fitness certificate issued by the Exe. Engineer, Vaikom Municipality was received. Hence, **the Fresh Regular permit granted to S/C KL 41 J 7175 / another suitable vehicle** having same seating capacity or more, which is not older than 08 years from its date of registration, on the above route subject to settlement of timings as per Order No. D3/875/STA/2005 dated 08/11/2011.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within 30 days from the date of receipt of this communication, failing which the sanction stands revoked.

Item No. 03

G1/10951/2018/K

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to SC **KL 24 C 4696 / another suitable vehicle** to operate on the route **MUNDAKAYAM – ERUMELY** via, Pulikkunnu, Kannimala, Peruthodu **with two cut trips between Mundakayam - Pulikkunnu as Ordinary Service.**

Route portion of 150 meter from Mundakayam Bus Stand to COSWAY Jn. objectionably overlaps on Ernakulam – Thekkady notified Scheme 42/2009 Trans dtd 14/07/2009. This overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. Hence, **the Fresh Regular permit granted to KL 24 C 4696 / another suitable vehicle** having same seating capacity or more, which is not older than 08 years from its date of registration, on the above route subject to settlement of timings as per Order No. D3/875/STA/2005 dated 08/11/2011.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within 30 days from the date of receipt of this communication, failing which the sanction stands revoked.

Item No.04

G1/1758/2018/K

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to SC **KL 35 B 4025 / another suitable vehicle** to operate on the route **PONKUNNAM – ETTUMANOOR via, 1st Mile, Thachapuzha, Neyyattussery, Elampally, Anickadu, Pallickathodu, Kooropada, Lakkattoor Jn., Puthukulam, Ayarkunnam, Thiruvanchoor, Poovathummodu, Peroor as Ordinary Service.**

Route portion of 150meter from Peroor Jn. to Ettumanoor objectionably overlaps on Kottayam – Kattappana notified Scheme 42/2009 Trans dtd 14/07/2009 Route portion of 50 meters from Ponkunnam to Ponkunnam Bus Stand Objectionably overlaps on Kottayam – Thekkady and Ernakulam – Thekkady scheme 42/2009 Trans dtd 14/07/2009. These overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. Hence, **the Fresh Regular permit granted to KL 24 C 4696 / another suitable vehicle** having same seating capacity or more, which is not older than 08 years from its date of registration, on the above route subject to settlement of timings as per Order No. D3/875/STA/2005 dated 08/11/2011.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within 30 days from the date of receipt of this communication, failing which the sanction stands revoked.

Item No.05

G1/2218/2018/K

1.Perused the judgment of in WP[c] No 42129 of 2017 of Honorable High Court of Kerala

2.Heard learned counsel represented the applicant Smt. Suma Lalu and the Counsel represented KSRTC.

This authority considered the matter in detail in the light of Judgment in WP[c] No 42129 of 2017 of Honorable High Court of Kerala. Perused the judgment, file, Government Notifications, various Judgments of Honorable Courts and reveals the following facts.

The Government issued a Notification No GO[P] No 8/2017/tran Dated 23-03-2009 in the Gazette dtd 23-03-2017, introducing a new scheme for the operation of stage carriages buses of the private and public undertakings. Clause 5[c] of the notification reads follows

“Permits will also be granted to private stage carriages of other routes permitting them to overlap 5 kms or 5 % of the length of their own routes, whichever is less on the notified routes, for purpose of intersections.”

In M Madan Rao Vs Union of India [2002(6) SCC 348] the Honorable Supreme Court held that “No private operator can operate his service on any part or portion of a notified route unless authorized so to do by the terms of this scheme itself”. In this case KSRTC objected the applied route, a distance of 8 kms from Kottayam to Manrcadu Jn. overlaps on Ernakulam – Thekkady and Kottayam – Thekkady notified route and also stated that any private operator to operate in notified route or part of the route is the violation of the Clause 5 [c] of the Scheme.

It has already been clarified through different judgments reported as 2002[2] SCC 560 & 2003 [2] KLT 280 that, a permit either temporary or permanent cannot be issued in violation of a notified sector.

Since the route bus KL 05 D 3060 defaulted service, any temporary permit sought to be issued in a notified route the total distance of the route shall be treated as a fresh permit and no such permit either regular or temporary can be granted in violation of the scheme.

In this case the applied route SN Puram – Kottayam is having a distance of 22 Kms. 08 Kms of the route portion from Kottayam to Manarcadu overlaps on the notified Ernakulam-Thekkady and Kottayam-Thekkady. The route having a distance of 22.5 kms out of which 6.5 kms objectionably overlaps on notified Ernakulam-Thekkady and Kottayam-Thekkady.in vide GO[P] No 42/2009/Tran dated 14/07/2009.

As per the report of MVI, there is no particular temporary need U/S 87[1][c] of MV Act exists. The Division Bench of Honorable High Court of Kerala pronounce a judgment in W.A No 993 of 2017 dated 15/06/2017 and in WP[c] No 30359/2017 [S] dated 17/10/2017 clearly ordered that temporary permit can be granted U/S 87 of MV Act only if there is a temporary need in existence.

In this circumstances, the temporary permit application submitted U/S 87 [i][c] of MV Act in respect of S/C KL 05 V 2963 on the route **S N Puram - Kottayam** Via Kooroppada, Lakkattoor, Kothamangalapady, Poothirickal, Oravackal, Manrcadu and Kanjikuzhy is **Rejected**.

Item No-06

G1/15081/2017/K

Heard learned counsel represented the applicant.

Perused the Judgment dtd 02/12/2016 in WP[c] No 20524/2012 of Honorable High Court of Kerala. This is the request of the grantee for issue fresh regular permit granted by the RTA Kottayam dtd 22/05/2012 on the route Paruthumpara – Kottayam to a leased vehicle KL 05 S 9792.

The matter was examined in detail and reveals the following facts.

- 1.A regular permit was granted in favor of Smt. Sheeja Thomas on 09/07/2008.
- 2.Smt. Sheeja Thomas did not produce the current records of any vehicle as provided for U/R 159 [2] of KMV Rules.
- 3.The Honorable High Court of Kerala vide dictum laid down in Seelathakumari Vs RTA, 2003[3] KLT 357, has clearly held that the time of 4 months prescribed U/R 159 of the KMV Rules cannot be extended.

4.The matter was again placed before the RTA on 22/05/2012, wherein it was stated that it was due to a clerical mistake that the permit was not issued and again decision was sent by registered post.

5.Smt. Sheeja Thomas, taking advantage of the said decision tried to get the permit issued.

6.The permit was granted in respect of S/C KL 07 S 5479 and tax in respect of this vehicle was paid only up to 31/01/2008. So never could have been current records produced as regarding the vehicle KL 07 S 5479.

7.Moreover as per the Notification dated 14/07/2009 the overlapping is more than the permissible limit. The total route length is 12 kms and as per the Notification dated 14/07/2009 as well as the Notification dated 23/03/2017, the total overlapping permissible only 600 meters. In this case the applied route overlaps on a distance of 1 kms [700 meters from Kanjikuzhy to Collectorate Jn. and 300 meters from Manorama Jn. to Thirunakkara] objectionably overlaps on Ernakulam – Thekkady and Kottayam – Thekkady scheme which is 8.33% of the total distance of 12 kms. Hence beyond the permissible limit. There is an exceeding of 400 meters.

8.As regarding to the present vehicle offered is concerned, KL 05 S 9792 is a 13 year old vehicle and as per the decision taken by the RTA Kottaym dtd 30/11/2017 as well as the decision of STA dated 14/06/2017, no permit can be granted to such a vehicle.

In these circumstances, **the request submitted by of the applicant is rejected and the sanction of the RTA dtd 09/07/2008, granted fresh regular permit to S/C KL 07 S 5479 on the route Paruthumpara – Kottayam which was rectified by the RTA dtd 22/05/2012 is revoked on the above mentioned reasons.**

Item No-07

G1/15262/2017/K

Considered the **request of RTA Idukki** for the **concurrence** for the **grant of Fresh Permit** in respect of stage carriage **KL-38-D-2149** for operating on the route **Karimkunnam – Koothattukulam** Via Purappuzha Health Centre, Kodikuthy, Kuninji, Chennaparampu, Kundur Mana Jn., Poovakkulam, Karamala, Mangattuthazham L P School Jn., as Ordinary Service.

As per the report of MVI, the portion from Choozhikkara to Moolakkattu Kavala is virgin with comparatively less width and it can be develop by the concerned authority with the sufficient width for two way traffic of Heavy Vehicles by clearing the edges of the existing roads. **But at present, the width of the road from Choozhikkara to Moolakkattu Kavala seen comparatively less, which are sufficient for one side travel of Heavy Vehicles only. In view of the road safety aspects, the request for concurrence is rejected.**

Item No-08

G1/15265/2017/K

Considered the request of **RTA Idukki** for the **concurrence for the Renewal of Permit** in respect of stage carriage **KL-27-5818** operating on the route **Changanacherry – Nedumkandam** Via Karukachal, Ponkunnam, Mundakayam, Kuttikkanam, Elappara, Puliyanmala, Pampadumpara as **LSOS**

The route portion from Changanacherry to 14th Mile [24 KMS] overlaps on Trivandrum – Thekkady via CHRY 23861/TB3/66PW dtd 10/10/1966 and CHRY – CHRY Circular GO[MS] 146/67/PW dtd 20/07/1967, From 14th Mile to 26th Mile [18 KMS] on Trivandrum – Thekkady and CHRY – CHRY Circular and Kottayam – Thekkady and Ernakulam – Thekkady 26929/TB3/66/PW dtd 12/10/1996 scheme, From

26th Mile to Mundakayam Bridge Trivandrum – Thekkady via CHRY and Kottayam – Thekkady, Ernakulam – Thekkady. Decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No-09

G1/15261/2017/K

Considered the request of **RTA Idukki** for the **concurrence for the Renewal of Permit** in respect of stage carriage **KL-33-E-1720** operating on the route **Changanacherry – Murikkassery** Via Karukachal, 14th Mile, Ponkunnam, Mundakayam, Kuttikkanam, Elappara, Puliyanmala, Pampadumpara as FP.

The route portion from Changanacherry to 14th Mile [24 KMS] overlaps on Trivandrum – Thekkady via CHRY 23861/TB3/66PW dtd 10/10/1966 and CHRY – CHRY Circular GO[MS] 146/67/PW dtd 20/07/1967, From 14th Mile to 26th Mile [18 KMS] on Trivandrum – Thekkady and CHRY – CHRY Circular and Kottayam – Thekkady and Ernakulam – Thekkady 26929/TB3/66/PW dtd 12/10/1996 scheme, From 26th Mile to Mundakayam Bridge Trivandrum – Thekkady via CHRY and Kottayam – Thekkady, Ernakulam – Thekkady. Decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No-10

G1/1145/2018/K

Considered the request of **RTA Idukki** for the **concurrence for the Renewal of Permit** in respect of stage carriage **KL 69 8494** operating on the route **Chemmannar - Kottayam** via Udumbanchola, Nedumkandam, Balagram, Puliyanmala, Kattappana, Kuttikkanam, Mundakayam Ponkunnam, 14th Mile, Pampady as **LSOS**

The route portion from **Mundakayam Bridge to Kottayam 52.6 KMS objectionably overlaps on Trivandrum – Thekkady via CHRY 23861/TB3/66PW dtd 10/10/1966 and CHRY – CHRY Circular GO[MS] 146/67/PW dtd 20/07/1967 and Kottayam – Thekkady and Ernakulam – Thekkady 26929/TB3/66/PW dtd 12/10/1996 schemes.** Decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No-11

G1/140870/2017/K

Considered the request of **RTA Idukki** for the **concurrence for the Variation Permit** in respect of stage carriage **KL-05-AK-2920** operating on the route **Pachady – Ambika Market as LSOS as Nedumkandam – Kottayam** via, Rajakkad, Kattappana, Elappara, Mundakayam, Ponkunnam as **LSOS.**

The enquiry officer reported that **Curtailment portion from Kottayam to Ambika Market is 23.5kms. The proposed Curtailment does not affect the passengers, since sufficient services, both KSRTC and Pvt. stage carriages are available in the curtailing portion.** Decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No-12

C1/10607/2018/K

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 05 Q 1801** on the route **Kodungoor – Pala Via, Chamampathal, Thekkethukavala, Ponkunnam , Koorali, Vanchimala, Paika, and Kadayam as ordinary service.**

Perused the file and enquiry report. This permit is issued after 14/07/2009. A distance of 1.5 kms from Kottaramattom B S to Municipal Complex jn. Pala and 100 meters from Ponkunnam to Ponkunnam B S. This portion lies in Kottayam – Kattappana, and Ernakulam – Thekkady Schemes, overlaps the notified route vide approved scheme GO[P]No 8/2017 /Trans dtd 23/03/2017 which is within the permissible limit. Hence Renewal of Regular Permit **granted** as applied for, in view of the Government Notification No.8/2017/Tran Dated 23/03/2017.

Item No 13

C2/119041/2017/K

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C **KL 34 A 5609** on the route **Chenappady - Thevaruppara** via, Pallippady, Anjillippa, Kanjirappally, Anakkal, Kappadu, Pinnakkanadu, Thidanadu, Erattupetta, Teekoy Panchayathupady, Njandukallu as ordinary service.

Perused the file and enquiry report. This permit is issued after 14/07/2009. A distance of 300 meters from Kanjirappally Petta Jn. to Kanjirappally Bus Stand lies in Kottayam – Kattappana, and Ernakulam – Thekkady Schemes, overlaps the notified route vide approved scheme GO[P]No 8/2017 /Trans dtd 23/03/2017 which is within the permissible limit. Hence Renewal of Regular Permit **granted** as applied for, in view of the Government Notification No.8/2017/Tran Dated 23/03/2017.

Item No-14

C3/49538/2017/K

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C **KL-33-D-7535** on the route **Kumily - Medical College** Via Periyar, Kuttikanam, Mundakayam, Kanjirappally, Ponkunnam, 14th Mile, Pampady, Kottayam, & Ghandinagar as LSOS.

Perused the file and enquiry report. The route **Kumily - Medical College** is an inter District route lies in Kottayam and Idukki Districts. **Concurrence is granted by the RTA Idukki.** This permit is a "Saved Permit" issued prior to 14/07/2009. Hence Renewal of Regular Permit **granted** as applied for, in view of the Government Notification No.8/2017/Tran Dated 23/03/2017.

Item No-15

C1/ 54398/2017/K

This is an application for conversion of class of service from Fast Passenger to LSOS following to the publication of GO[P] No 73/12 dtd 16/07/2013. As per the Government Order, the private operators are permitted to operate their higher class service till the expiry of their respective permit. The permit is issued before 09/05/2006 as fast passenger. Hence this permit is a **Saved Permit**. While the permit expired on 25/06/2016 there after the permit is not renewed since GOP No 73/12 dtd 16/7/2013 was introduced. The permit holder submitted application for renewal of permit and variation of the permit from LSOS to Fast Passenger. The application for conversion of class of service as LSOS was reconsidered by the RTA held on 30/11/2017 and is adjourned with directing the applicant to submit proposed timings and list of stops. Now the applicant produced the proposed timings and lists of stops. **Hence Conversion of service as LSOS is granted without changing the existing timings.**

Item No-16

C2/56019/2017/K

“Heard The learned counsel represented the applicant. Reconsidered the application for variation of regular permit in respect of S/C KL 05 Z 4866 on the route Kottayam - Kattappana via, Mulakkuzha, Pakkil, Chingavanam, Kurichy Out Post, Eera, Kainady, Parakulam, Njaliyakuzhy, Thottakkad, Pampady, 14th Mile, Kanjirappally, Mundakkayam, Kuttikkanam and Elappara as Kainady – Kattappana by curtailing the 1st trip from Kottayam to Kurichy Out Post and in the last trip from Kurichy Out Post to Kottayam and changing the halting place from Kottayam to Kurichy out post.. Perused the file and enquiry report. As per the application, the applicant is intended to limit the route length up to 140 kms as prescribed in the rule 2(oa) in the KMV Rules, 1989 and in obedience with GO(P) No 8/2017/Tran dated 23/03/2017 by curtailing the route length. Hence Variation of Permit Granted with set of proposed timings”.

Item No-17

C3/123731/2017/K

Heard, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage **KL-33-8159** operating on the route **PONKUNNAM—CHANGANASSERY** as Ordinary Service. By the proposed variation, the permit holder has desired to operate

1. by curtailing the route portion from Muttathukavala to Kulathoormuzhy via Manimala
2. deviating from Muttathukavala to Kulathoormuzhy via Chamampathal, Kanam CSI Church, Pazhukkakulam, Pathanad Jn, Mundanthanam

This authority considered the application in detail in the light of the report of route enquiry officer, and present position of Government notifications and reveals that the regular permit was issued during the year 1997. As per Clause[4] of the modified scheme in vide notification No.08/2017/Tran dtd 23/03/2017, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as **saved permits** provided that further extension or variation shall not be allowed under any circumstances. The permit issued to the applicant during the year 1997 is belongs to the classification of saved permit and the permit can be continued as such without any modifications such as further extension or variation. If the proposed variations are allowed, it will be clear violation of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017. Hence, the application for the variation of **saved permit** is hereby **rejected**.

Item No-18

C3/135952/2014/K

- 1.Perused the judgment of Hon’ble STAT in MVAA No. 214/2015.

2. Heard; the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage **KL 38 C 7203** operating on the route Anakkayam - Kottayam as Ordinary service. By the proposed variation, the applicant is desired to vary the permit so as to curtail the route portion from Thodupuzha to Anakkayam. This authority in the earlier sitting held on 14/05/2015, considered the application took a decision that “the Enquiry officer specifically reported that the curtailment portion is an ill served one and curtailment will adversely affect the travelling public. The enquiry officer also reported that the application for curtailment could not be recommended since there is no urge of travelling public. The applicant failed to establish the necessity under Rule 145 (6) of KMV Rules 1989 to grant variation. On the above mentioned facts the application for variation of permit in respect of stage carriage KL 38 C 7203 is hereby rejected”. The decision was challenged before the STAT vide MVA No.214/2015 and now vide judgment, the appeal is allowed and the impugned order passed by the first respondent is set aside, The first respondent shall reconsider the application for variation of permit made by the appellant after obtaining concurrence of the Regional Transport Authority of the region in which curtailment of service is sought by the appellant. In view of the judgment of Hon’ble Tribunal, concurrence of RTA Idukki was called for and the RTA Idukki has rejected the concurrence that **there is no adequate travelling facility on this route. Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers. Also a representation from Smt. Renuka Rajasekaran Councilor, Ward No.3 Thodupuzha Municipality is received against the issuance of this concurrence.**

This authority reconsidered the matter in detail in the light of the rejected concurrence of RTA Idukki, Report of enquiry officer and present position of Government notifications and reveals that

1. The RTA Idukki has rejected the concurrence that **there is no adequate travelling facility on this route. Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers.**
2. Enquiry officer specifically reported that the curtailment portion is an ill served area, and the curtailment will adversely affect the travelling facility of the general public. The enquiry officer also reported that the application for curtailment could not be recommended since there is no urge of travelling public. There is only one trip in the existing permit between Thodupuzha and Anakkayam which is an ill served area. It seems that the benefit of the curtailment is only for the permit holder. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.
3. The regular permit was issued during the year 2001. As per Clause[4] of the modified scheme in vide notification No.08/2017/Tran dtd 23/03/2017, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as **saved permits** provided that further extension or variation shall not be allowed under any circumstances. The permit issued to the applicant during the year 1997 is belongs to the classification of saved permit and the permit can be continued as such without any modifications such as further extension or variation. If the proposed variations are allowed, it will be the clear violation of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017.

In view of the afore said facts, the application for the variation of **saved permit** is hereby **rejected.**

Item No -19**C1/104023/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 2979** on the route **KODUNGOOR –PALA** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-20**C1/129647/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 T 803** on the route **KODUNGOOR –PALA** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-21**C1/131120/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 67 A 2472** on the route **KOTTAYAM – ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-22**C1/54522/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 C 2656** on the route **NJADUKALLU-RANNI- ITTIYAPPARA** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-23**C1/137076/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 B 3232** on the route **CHENAPPADY – ERATTUPETTA** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-24**C1/60055/2016/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 36 C 1080** on the route **KOTTAYAM-PIRAVAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-25**C1/131139/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 G 1917** on the **KAIPUZHAMUTTU –ERNAKULAM -KALOOR BS** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-26

C1/131139/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 A 1589** on the **PONGANTHANAM – ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-27

C1/131127/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 36 A 2178** on the **VAIKOM-KOTTAYAM- ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-28

C1/131133/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 67 A 2152** on the route **KOTTAYAM- ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-29

C1/128251/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 44 8199** on the route **AYARKUNNAM –PAMPADY** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-30

C1/107720/2016/K

1.Perused the Order of Honorable STATA in MVARP NO 26/2014

2.Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 39 J 767** on the route **KOTTAYAM- ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-31

C2/109424/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 07 BH 4343** on the route **KOTTAYAM- ERNAKULAM** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-32**C2/ 127890/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 Q 5306** on the route **Kottayam - Ponganthanam** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-33**C2/ 13421/2018/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 B 6014** on the route **Kottayam - Elamkadu** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-34**C2/ 131113/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 63 D 4280** on the route **Pallikkadavu – Ernakulam Kaloor** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-35**C2/ 131126/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 63 D 3593** on the route **Thiruvalla – Ernakulam Kaloor B S** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-36**C2/ 131135/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 63 D 3593** on the route **Thiruvalla – Ernakulam Kaloor B S** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-37**C2/ 135787/2016/K**

Heard, the learned counsel represented the transferor and the transferee.

1. Delay condoned
2. Transfer of permit in respect of the Stage Carriage **KL 05 AF 3699** on the route **Kottayam - Ambayathodu** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-38

C2/ 64070/2016/K

Heard, the learned counsel represented the transferor and the transferee.

1. Delay condoned
2. Transfer of permit in respect of the Stage Carriage **KL 36 6882** on the route **Velloor Railway Station - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-39

C2/ 67525/2011/K

Heard, the learned counsel represented the transferor and the transferee.

1. Delay condoned
2. Transfer of permit in respect of the Stage Carriage **KL 05 U 4425** on the route **Punnathura - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-40

C2/ 12805/2018/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 A 4383** on the route **Pala - Ponkunnam** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-41

C2/ 12766/2018/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 38 5758** on the route **Kallara -Kottayam** is allowed as applied for, subject to clearance of all government dues, if any.

Item N-42

C2/ 72251/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 AG 5970** on the route **Ernakulam Kaloor - Cherthala** is allowed as applied for, subject to clearance of all government dues, if any.

Item No-43

C2/ 145/2018/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 F 4577** on the route **Ernakulam Kaloor Bus Stand – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-44**C1/153106/2015/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-34 513** on the route **PONKUNNAM- CHERUVALLY TEMPLE** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-45**C1/12799/2018/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 H 1676** on the route **PALA –MANNADISSALA** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-46**C3/131117/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-63-D-9089** on the route **Cheepunkal – Ernakulam Kaloor** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-47**C3/131148/2017/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-63-D-9083** on the route **Pallikathodu – Ernakulam Kaloor** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-48**C3/9353/2018/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-63-D-9083** on the route **Pallikathodu – Ernakulam Kaloor** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-49**C3/10465/2018/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-AN-8309** on the route **Vaikom – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

Item No-50**C3/12650/2018/K**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-P-8008** on the route **Changanacherry – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-51

C3/131117/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-04-AB-8947** on the route **Kainady – Perunnai** is allowed as applied for, subject to clearance of all government dues, if any

Item No-52

C3/9935/2018/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-34-E-7897** on the route **Kuzhimavu – Elamkadu** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-53

C3/89384/2017/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-07-BS-8006** on the route **Ambika Market – Ernakulam Kaloor** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-54

C3/12379/2018/K

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-17-6789** on the route **Medical Colleage – Vadavathor** is allowed as applied for, subject to clearance of all government dues, if any .

Item No-55.

C1/40792/2017/K

Heard, the learned counsel represented the applicant

Allowed transfer of permit [Death] in respect of S/C **KL 36 C 3289** on the route **THALAYOLAPARAMBU-KURAVILANGADU**.

Item No-56

C3/12726/2017/K

This is an application for transfer of permit [death] following the death of the permit holder of S/C KL 05 AD 9865 on the route Pulickalkavala – Kottayam, Sri. T.C. Jacob, Thannickal[H], Vadavathoor.P.O, Kottayam . The applicant Sri. Joseph Jacob, S/o Late Chacko Jacob, Thannickal [H], Vadavathoor, Kottayam Produced the will written by late Chacko Jacob, Thannickal[H],

Vadavathoor.P.O, Kottayam dated 26/07/2013 and it was probated as L A O P No.19/15 by the Honorable District Judge Kottayam and also produced the copy of the will. In the 3rd para of the will the testator clearly mention that his SC KL-05-AD-9865 and its permit should go to his son Sri. Joseph Jacob

This authority perused the file and it reveals that the applicant was produced only photo copies of the will and L A O P No. 19/15 of the Honorable District Judge Kottayam

Hence the Transfer of Permit [Death] is allowed subject to the production of the certified copies of the will and L A O P No.19/2015 of the Honorable District Judge Kottayam from the Honorable Court.

Item No-57

C1/5/138502/2017/K

The vehicle S/C KL 05 P 2187 is covered with a regular permit on the route Pala- Kanjirappally upto 03/07/2018. There was some dispute on the possession of vehicle with the permit holder Sri. Baby Antos, Parayil [H], Edamaruku P.O., Pala and Sri. K S Shereef, Kunnakkattu, Erattupetta. Hence the RTA Kottayam dtd 30/11/2017 considered the unauthorized possession of the vehicle and decided as follows.

- 1.Call original or certified copies of all the sale agreements executed with regard to the sale of vehicle between Sri. Baby Antos and Smt. Rency Noby and Sri. Noby Jose and Sri. Jojo Antony, Sri. Jojo Antony and Sri. K S Shereef etc and ascertain the authenticity of the documents and place the matter in the next sitting of this authority without fail.
- 2.Directed to conduct a detailed enquiry on allegation with regard to the unauthorized change of possession of vehicle and issue show cause notice to the permit holder if the unauthorized possession of the vehicle is evidenced in the original documents submitted by the objector and enquiry conducted.
- 3.As there is an order of the Honorable High Court to consider the application for the replacement of the vehicle subject to outcome of the OS No 201/2014 pending with Munsif Court Pala, this authority is of opinion that, it is not proper to dispose the application for the replacement during the pendency of the above suit. Hence adjourned.

Mean while on 14/12/2017, Sri. Baby Antos and Sri. K S Shereef, jointly submitted an application for transfer of permit from the name Sri. Baby Antos to the name of Sri. KS Shereef. Both the applicants were heard and they stated that the disputes among them regarding the possession of the vehicle and permit is compromised.

JRTO PALA has submitted interim report regarding the unauthorized possession of the vehicle and which reported that the case OS No 201/2014 is still pending before the Hon. Munciff Court Pala. In this circumstances, the permit holder has produced a Judgment in WPC No 41937of 2017 dtd 16/01/2018, which directs to consider and pass appropriate orders on Joint application for transfer of permit made by the petitioners along with the matter already placed before the said authority regarding cancellation of the said permit with notice to the petitioners and after affording them an opportunity of being heard. A decision in this matter shall be taken, strictly in accordance with law as expeditiously as possible at any rate, within a period of one month from the date of production of a certified copy of this judgment. The Jt. RTO Pala has reported that the disputes between the applicants have been compromised and the cases were dismissed.

This authority considered the matter in detail in the light of the Judgment in WP[c] No 41937/2017 of Honorable High Court of Kerala and Report of Joint RTO Pala, decided as follows.

1. Perused the Judgment in WP[c] No 41937/2017 of Honorable High Court of Kerala.
2. Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-P-2187** on the route **Pala - Kanjirappally** is allowed as applied for, subject to clearance of all government dues, if any
3. Compound Rs 5000/- on unauthorized possession of the vehicle.
4. Further action on cancellation of permit can be placed before the RTA, as and when any verdict issued by any Judicial forum in future.

Item No-58

C3/3682/2017/K

This is the recommendation of Sub Inspector of Pampady to take action against regular permit issued to S/C KL 05 W 7799 on the route **PNKUNNAM - KOTTAYAM**, involved in an incident occurred on 30/10/2017 at 9.30am, the driver and the conductor of the vehicle KL 05 W 7799 on the route Ponkunnam – Kottayam was absconded by stopping dangerously the vehicle at the middle of the road at Sivaji Nagar. There are 40 odd students and other passengers were as the passengers at that time. A crime case was registered as 1628/2017 U/S 283 IPC and 120[b] of KP Act r/w 34 IPC, and produced the vehicle before Honorable Court now keeping at Pampady Police custody. He has also reported that so many complaint was previously received at Pallickathodu Police Station against the crew of this bus for misbehavior of staff of this vehicle. Hence he has recommended action against the violation of permit condition against the permit holder of this vehicle. The MVI, Kottayam submitted a detailed report also. which states that the initial permit was issued on 14.03.2003 to SC KL-05-K-8979. The Stage Carriage KL-05-W-7799 was started service in this route from 05.02.2007 onwards. Certificate of fitness continuously issued and No mechanical defect of the vehicle noticed. The out of 2 kms only a distance of 900 meters is steep. On enquiry this vehicle can conduct service up to MGM NSS Higher Secondary School without alighting students at the bottom of the steep. The act of the crew is punishable U/R 213 of KMV Rules 1989. The permit holder has not exercised effective supervisions over the work of his employees, hence violated the conditions stipulated under sub sections 2 and 3 of KMV Rules 153. Secretary RTA has issued show cause notice to the permit holder. The permit holder appeared before the Secretary RTA Kottayam on 11/11/2017 and submitted written explanation. In this explanation he has stated that The permit holder states that the vehicle is usually conducting service by alighting students at the bottom of the steep. On 30/10/2017, the students got angry and tried to assault the staff. So the crew were went away from the place by stopping the vehicle.

The matter was examined in detail in the light of the report of MVI Kottayam. As per the report, the initial permit was issued on 14.03.2003 to SC KL-05-K-8979. The Stage Carriage KL-05-W-7799 was started service in this route from 05.02.2007 onwards. Certificate of fitness continuously issued and No mechanical defect of the vehicle noticed. The out of 2 kms only a distance of 900 meters is steep. On enquiry this vehicle can conduct service up to MGM NSS Higher Secondary School without alighting students at the bottom of the steep. The act of the crew is punishable U/R 213 of KMV Rules 1989. The permit holder has not exercised effective supervisions over the work of his employees, hence violated the conditions stipulated under sub sections 2 and 3 of KMV Rules 153.

As per Rule 153 of KMV Rules 1989- It shall be a condition of the permit holder of every transport vehicle, that the holder thereof

[2] Shall exercise effective supervision over the work of his employees to ensure operation of the vehicle in conformity with the Act and Rules issued there under

[3]-Shall be responsible for the conduct of the driver and other employees.

As per Rule 213 of KMV Rules –The vehicles to run in accordance with Schedule- When a schedule of timings has been prescribed under Rule 212 every stage carriage on such route shall run in accordance with it, except-

[a]When prevented by accident or other unavoidable cause, or

[b]When otherwise authorized in writing by the Authority granting the permit or the State Transport Authority.

On the basis of the report of MVI Kottayam and considering the above provisions of the Rule 153 of KMV Rules 1989, the permit holder has not exercised effective supervisions over the work of his employees, hence violated the conditions stipulated under sub sections 2 and 3 of KMV Rules 153 and there is no such circumstances warranting Rule 213 [a][b] of KMV Rules . Therefore action on permit U/S 86 of MV Act is required.

Considering the gravity of the offence and irresponsibility of the permit holder, this authority is decided to suspend the Regular permit issued to S/C KL-05-W-7799 for a period of 3 months.

Hence the permit No 5/20/2003 valid up to 13/03/2018 of S/C KL 05 W 7799 the route PNKUNNAM - KOTTAYAM is suspended for the period of 3 months U/S 86 of MV Act 1988 from 22/02/2018 to 21/05/2018. The permit holder is directed to garage the S/C KL 05 W 7799 at a convenient place and to report the same before the Secretary RTA Kottayam along with the records of the vehicle. Secretary RTA is entrusted to implement the order of RTA.

Item No-59

C2/7451/2018/K

The surrender of regular permit No **5/1812/2016** in respect of S/C KL **34 3895** on the route **Erattupetta – Chenappady- Thampalakkad** is accepted and revoked.

Item No-60

C2/139962/2017/K

The surrender of regular permit No **5/1000067/2006** in respect of S/C KL **05 AB 3699** on the route **Pala – Ernakulam Kaloor Bus Stand** is accepted and revoked.

Item No-61**C3/4765/2018/K**

The surrender of regular permit No **5/1013/2006** in respect of S/C **KL-05-V-9046** on the route **Kuzhimavu – Erumely is accepted and revoked.**

Item No-62**C3/893/2018/K**

The surrender of regular permit No **5/1024/2016** in respect of S/C **KL-38-B-9705** on the route **Pampavally – Kanjirappally is accepted and revoked.**

Item No-63**G1/2387/2018/K**

This is the issue related to the implementation of traffic reforms at Vaikom Town due to the introduction of Delavakulam Bus Stand. RTA, Kottayam held on 9-10-2001 approved the Dalavakulam Bus stand at Kizhakkenada, Vaikom. In order to implement some traffic reforms in Vaikom Town and for start functioning of Delavakulam Bus stand, the Traffic regulatory Committee Vaikom submitted recommendations before the RTA held on 16-11-2013 a decision was taken but not implemented. So many decisions were taken by the RTA & Traffic regulatory committee Vaikom in this matter. At last, the Traffic Regulatory Committee held on 29-06-2017 examined the representations from various organizations and scrutinized the matters relating to the implementation of the traffic reforms.

RTA Kottayam at its sitting dtd 25/07/2017 took a decision in vide Order No G1/8420/2017/K. dated 25/07/2017 the proposal of Traffic Regulatory Committee held on 29-06-2017 was accepted but directed Chairman Traffic Advisory committee Vaikom to report any variations needed in the proposed system after hearing all the objectors. The above decision was communicated to Joint RTO Vaikom and directed to submit report on the direction contained in the decision of RTA.

The Joint RTO Vaikom submitted a report that Chairman of Traffic Regulatory Committee Vaikom was convened a meeting on 12/10/2017 and discussed the matter in detail. There were 14 Participants in the meeting and no new proposals / suggestions were arrived at. While considering the matter by the RTA Kottayam dtd 30/11/2017, same objectors including Municipal Councilor Vaikom raised their contention against the new traffic reforms. Hence RTA Kottayam once again directed Chairman Traffic advisory committee Vaikom to report if any variations needed in the proposed system after hearing all the objectors and hence Adjourned. The Joint RTO Vaikom submitted a detailed report in this regard.

This authority considered the matter in detail in the light of the report submitted by the Joint RTO Vaikom.

But at the sitting of RTA, so many objections have been raised.

- 1.KSRTC objected that the long distance vehicles took too much time due to the introduction of present reforms and the passengers are complaining on time lag. They requested to exempt the long distance vehicle from the present traffic reforms.
- 2.So many persons appeared in the meeting and states that they are not heard by the traffic advisory committee.
- 3.Honorable MLA Vaikom submitted a representation along with a new proposal for consideration.

In this circumstance, this authority is directed the Chairman Traffic Advisory Committee, Vaikom to call a meeting and hear all the objectors and affected parties. Any suggestions, proposals if any in this regard may be considered at the Traffic Advisory Committee meeting and suggest a new proposal related to traffic reforms for the approval of RTA only after settling the objections at traffic Advisory Committee. It is pertinent to be note that the proposal put forward by the Honorable MLA Vaikom also may be considered. Hence Adjourned.

Item No-64

G1/2751/2017 K

Heard the Counsel represented by the KSRTC. He is objected since the enquiry report submitted by the MVI was not hearing their part. He has stated that the place **Pattithanam Rationkada Jn** is situated in nationalized route. KSRTC is operating service on this route. Hence KSRTC is the party to submit report whether the sanction of stops for LSOS, Fast Passenger Buses at Ration Kada Jn is feasible or not.

Hence adjourned with a direction to Secretary RTA to call report from KSRTC and place the matter in the RTA.

Item No-65

G1/801/2018/K

This item is to implement the decision taken by the STA in its meeting held on 14/06/2017 for **to grant renewal of permit without insisting concurrence from sister RTAs. The Secretary RTA shall obtain detailed route enquiry and ascertain that there is no variation in the existing route along with the feasibility of the renewal application before placing it in the concerned RTAs.**

Heard all concerned and decided to implement the decision dtd 14/06/2017 of State Transport Authority in D2/10389/STA/2014 in vide Departmental Item No 3.

Item No-66

5/135359/2017

Heard the applicant.

- 1.Delay condoned.
 - 2.Renewal of Autorickshaw permit granted
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Item No-67

5/142628/2017

Heard the applicant.

- 1.Delay condoned.
 - 2.Renewal of Autorickshaw permit granted
-

Item No-68

5/139298/2017

Heard the applicant.

- 1.Delay condoned.
- 2.Renewal of Autorickshaw permit granted

Item No –69

Erratum.

Item No-70

Any other item permitted by the Chairman, RTA

Item No- 71

Next RTA Meeting date on 25-04-2018.