

**Decision of RTA Kottayam held on 30/11/2017 at Collectorate Conference Hall, Kottayam****Present: 1.Sri. B S Thirumeni IAS, Chairman RTA and District Collector****2.Sri. M P Ajithkumar, Member RTA and Deputy Transport Commissioner, Central Zone II****Item No. 1**

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to **SC KL 34 C 1427 / another suitable vehicle** to operate on the route **KUZHIMAVU – ERUMELY** Via, Koruthodu, Panackachira, Vandanpathal, Mundakayam, Kannimala, Pulikkunnu, Kottaramkada as **Ordinary Service**.

The route portion of 150 meter from Mundakayam B S Jn. to Mundakayam Cosway Jn. objectionably overlaps on Ernakulam – Thekkady, Trivandrum- Thekkady notified Scheme 26929/TB/66/PW dtd 12/10/2016. This overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. Being the offered vehicle is having a regular permit on another route, the applicant today assured to produce the RC of another vehicle not older than 08 years from its date of registration, hence, **the Fresh Regular permit granted to a 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 02**

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to **SC KL 34 A 8688 / another suitable vehicle** to operate on the route **KMBUKUTHY – KOTTARAMKADA** Via, Madukka, Panackachira, Varickani Jn., Mundakayam, Vandanpathal, and Paschima with cut trip from, Mundakayam to Kuzhimavu via, Panackachira, Madukka, and Koruthodu as **Ordinary Service**.

The route portion of 0.1 km from Mundakayam B S Jn. to Mundakayam Cosway Jn. objectionably overlaps on Ernakulam – Thekkady, Trivandrum- Thekkady notified Scheme 26929/TB/66/PW dtd 12/10/2016. 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 S/C KL 34 A 8688 / a 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**

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to **SC KL 33 3199 / another suitable vehicle** to operate on the route **MANARACADU –**

**KOOTHATTUKULAM** Via, Manarcadu Palli, Ayarkunnam, Arumanoor, Madappadu, Parakandam, Ettumanoor, Thavalakuzhy, Vallikkadu, Clamattom, Kadappoor, Padinjare Koodalloor, Vayala, Madayakunnu, Nechimattom, Kuravilangadu, Muttunkal Jn., Mukkavalakunnu, Manikavu, Vakkad, Cherumthadam, Madukka, Marangoli, Elanji, Chelakkal, VISAT, Edayar and Kizhakombu as Ordinary Service. Perused the file and enquiry report. Route portion of **16.8km** is under the jurisdiction of RTA Muvattupuzha and **KSRTC objected the distance of objectionable overlapping on the applied route.** Hence the Secretary RTA is directed to

1.to seek concurrence from RTA Muvattupuzha.

2.Obtain specific report from the enquiry officer concerned on the distance of objectionable overlapping on the applied route and place the matter on RTA along with concurrence. **Hence adjourned.**

#### **Item No 4**

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to **SC KL 35 F 6766 / another suitable vehicle** to operate on the route **RAMAPURAM – KANJIRAPPALLY** Via, Kondadu, Uzhavoor, Chethimattam, Valavoor, Pala, Bharananganam, Erattupetta, and Pinnakkanadu as Ordinary Service.

The route portion of 1.9 KM from Pala Kottaramattom B S to Kochidappadi and a distance of 300 meters from Kanjirappally Petta Jn. to Kanjirappally B.S. objectionably overlaps on Kottayam – Kattappana Scheme GO[P] 42/2009 trans dtd 14/07/2009 and Trivandrum – Thekkady, Ernakulam – Thekkady & Kottayam – Thekkady Scheme GO[P] 42/2009 trans dtd 14/07/2009 respectively. These overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017.

Considered the objection of Sri. Baby Antos as directed in the judgment in WP[c] No 38380/2017 of Honorable High Court of Kerala. It is observed that that the petitioner's service and the applied route are different. More over an applicant can apply for a fresh stage carriage route, there is no question whether the applied route is same as any other permit occupied by any other operator. Hence,

1.Perused the judgment in WP[c] No 38380/2017 of Honorable High Court of Kerala and considered the objection.

2.**The Fresh Regular permit granted to S/C KL 35 F 6766 / a 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.

As per the time schedule proposed by the applicant the vehicle starts its operation on early morning at 4.20 am. Hence the Secretary RTA is directed to watch the operation of the vehicle and submit a report on RTA, after three months from the date of issue of permit, whether any curtailment of trip detected. If any curtailment of trip detected it will treated as violation of permit condition and nationalized scheme and the permit will be revoked.

#### **Item No 5**

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to **SC KL 38 B 9705 / another suitable vehicle** to operate on the route **KOMBUKUTHY –**

**116 Colony – PAMPAVALLEY - KANJIRAPPALLY** Via, Mundakayam, Madukka, Koruthodu, Paschima Mundakayam, Paingana, Vellanadi, Kooramthookku, Koovappally, Amaljothi College Jn., Panachepally, Mannarakkayam, & Kanjirappally Kurisu Kavala as Ordinary Service.

The route portion of Route portion of Route portion of 1.3 KM from Paingana to Mundakayam Cosway Jn. objectionably overlaps on Ernakulam – Thekkady, Trivandrum- Thekkady notified Scheme GO[P] 42/2009 trans dtd 14/07/2009, 700 meters from Kanjirappally Kurisu Jn. to Kanjirappally B.S. objectionably overlaps on Trivandrum – Thekkady, Ernakulam – Thekkady & Kottayam – Thekkady Scheme GO[P] 42/2009 trans dtd 14/07/2009, 900 meters from Koovappally to Malabar Kavala objectionably overlaps on Changanacherry – Changanacherry Circular scheme GO[P] 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 S/C KL 38 B 9705 / a 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 6**

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to SC KL 34 E 4190 / **another suitable vehicle** to operate on the route **ELAMKADU – KUZHIMAVU** Via, Koottickal, Mundakayam, Varikkani, Vandanpathal, Koruthodu, Kottaramkada, Punchavayal, and 504 Colony as Ordinary Service.

The Route portion of 300 Meters from Mundakayam Koottickal Jn. to Mundakayam Cosway Jn. objectionably overlaps on Ernakulam – Thekkady, Trivandrum- Thekkady notified Scheme GO[P] 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 S/C KL 34 E 4190 / a 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 7**

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to SC KL 33 B 444 / **another suitable vehicle** to operate on the route **ETTUMANOOR – NEDUMKUNNAM** Via, Peroor Jn., Kannanchira, Paikad, Poovathummoodu, Thiruvanchoor, Ayarkunnam, Lakkattoor MGM Jn., Eruthupuzha, Kooropada, Madappad, Pulikuzhy Colony, Chappath 58 Colony, Vattukulam, Kothala, MGM Jn., Pampady, Alampally, Kuttickal, Orvayal, Kangazha Hospital, and Nilampodinji Colony as Ordinary Service.

Route portion of 500 Meters from Ettumanoor Pvt BS to Peroor Jn Objectionably overlaps on Kottayam – Kattappana scheme GO[P] 42/2009 trans dtd 14/07/2009, 1 km from Pampady to ALampally

Ojectionably overlaps on Ernakulam – Thekkady, Kottayam - Thekkady notified Scheme GO[P] 42/2009 trans dtd 14/07/2009, 200 Meters from Kangazha to Kangazha Jn. objectionably Overlaps on Changanacherry – Changanacherry Circular Scheme GO[P] no 42/2009 tran dtd 14/07/2009. These overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. Kooropada Village Jn. to Madappadu 1 km and Devagiri Kannachira Jn. – Nedumkunnam 2.5 km is virgin and road fitness certificate from PWD was produced.

Hence, **the Fresh Regular permit granted to S/C KL 33 B 444 / a 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 8**

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to SC **KL 05 AG 3553 / another suitable vehicle** to operate on the route **MUNDAKAYAM – ERUMELY** via Kuzhimavu, Mookkenpetty, Edakadathy & Mukkoottuthara with cut trips as Mundakayam – Vembly via Koottickal & Yenthayar, Mundakayam – Kuzhimavu via Vandanthathal & Koruthodu, Mundakayam – Erumely via, Pulikkunnu, Mundakayam – Kottaramkada via, Paschima as ordinary service.

Perused the file and enquiry report and Judgment dtd 28/11/2017 in WP[c] No 38246/2017 of Honorable High Court of Kerala. Route portion of **7.3 km** is under the jurisdiction of RTA Idukki. Hence the Secretary RTA is directed to seek concurrence from RTA Idukki **Hence adjourned.**

#### **Item No 9**

Heard the learned counsel represented the applicant. Considered the application for the grant **fresh regular permit** to SC **KL-05-L-6382** to operate on the route **Pala - Perinad** Via Edappady, Bharananganam, Panackapalam, Erattupetta, Thidanadu, Pinnakkanadu, Kalaketty, Kappadu, Kanjirappally, Chenapady, Mukkada and Athikkayam as ordinary service and request submitted for consider the application subject to counter signature of RTA Pathanamthitta

Perused the file and enquiry report. Route portion of **16.3 km** is under the jurisdiction of RTA Pathanamthitta. Hence the Secretary RTA is directed to seek concurrence from RTA Pathanamthitta **Hence the grant fresh regular permit is adjourned.** The request submitted for considering the application subject to counter signature is **rejected.**

#### **Item No 10**

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to SC **KL 02 R 18 / a suitable vehicle** to operate on the route **KURUPPUMTHARA MARKET – AYARKKUNNAM** Via, Kuruppumthara Jn., Thottuva, Kuravilangadu B.S., Nazrethu Hill, Kaniyodi Jn., Kothanalloor, Chamakkala Kurisupally, Onamthuruthu, Kottamuri, Ettumanoor B.S., Madappadu and Arumanoor as ordinary service. Route portion of 700 Meters from Konickal Jn. to Ettumanoor B S overlaps on Kottayam - Kattappana notified Scheme GO[P] 42/2009 trans dtd 14/07/2009, 400 Meters from Kothanalloor Jn. – Thuvanisa Jn. overlaps on Ernakulam – Thekkady - Punalur notified Scheme GO[P] 42/2009 trans dtd 14/07/2009, 200 Meters from Kuravilangadu Jn. –

Kuravilangadu B.S. overlaps on Kottayam – Kozhikkode notified scheme GO[P] 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. Being the offered vehicle is older than 08 years from its date of registration, however, **the Fresh Regular permit granted to a 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 11

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to SC **KL 38 A 3477 / a suitable vehicle** to operate on the route **Kottaramattom BS(Pala) – Kanjirappally - Kalathuva** Via Bharananganam, Panakkapalam, Erattupetta, Thidanadu, Pinnakkanadu, Poonjar, Kaippaly, Klathuva as ordinary service.

Route portion of 1.900 kms from Kottaramattam bus stop to Maharani jn Overlaps on the Kottayam-Kattappana notified Scheme and 300 meters from Petta kavala to Kanjirappally Overlaps on the Kottayam-Thekkady notified Scheme. 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 S/C KL 38 A 3477 / a 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.

As per the application, the vehicle is operating only one trip to Kalathuva. Hence the Secretary RTA is directed to watch the operation of the vehicle and submit a report on RTA, after three months from the date of issue of permit, whether any curtailment of trip detected. If any curtailment of trip detected it will treated as violation of permit condition and nationalized scheme and the permit will be revoked.

#### Item No 12

Heard the learned counsel represented the applicant. Considered the application for the grant of **fresh regular permit** to SC **KL 33 C 5112 / a suitable vehicle** to operate on the route **KODUNGOOR – KANJIRAPPALLY** Via, Chamampathal, Ullayam, Manimala, Pazhayidam, Mannarakkayam, Anchilippa, Chenappady as ordinary service. Route portion of 500 Meters from Kanjirappally kurisukavala to Kanjirappally B S overlaps on Kottayam – Thekkady and Ernakulam – Thekkady, CHRY – CHRY Circular and Trivandrum - Thekkady notified Scheme and 100 Meters from Manimala B S to Manimala Brgde Jn. on CHRY – CHRY Circular. 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 S/C KL 33 C 5112 / a 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.

As per the application, the vehicle is operating only one trip to Chenappady and two trips to Kodungoor and Chamampathal. Hence the Secretary RTA is directed to watch the operation of the vehicle and submit a report on RTA, after three months from the date of issue of permit, whether any curtailment of trip detected. If any curtailment of trip detected it will be treated as violation of permit condition and nationalized scheme and the permit will be revoked.

### **Item No 13**

This application was adjourned by the RTA on 01/09/2016 with direction to the Secretary RTA Kottayam to seek concurrence from RTA Pathanamthitta and the applicant is directed to produce a later model vehicle not more than five years. Heard the learned counsel represented the applicant.

Reconsidered the adjourned application for the grant of **fresh regular permit** to SC **KL 05 Q 399 or a Suitable vehicle** to operate on the route **70th Acre - Kottayam Nagampadom BS** Via Chathanthara, Mukkoottuthara, MES College, Erumely, Peroothode, Elivalikkara, Venkurinji, Vechoochira, Mannadisala, Athikkayam Kannampally, Ranny, Athikkayam, Edaman, Edamury, Mukkada, Chenappady, Kanjirappally, Thampalakkadu, Koorali, Pallikkathode, Oravakkal, Manrcadu, Thiruvanchoor, Vattamoodupalam and Nagampadom as Ordinary service. Route portion of 1.1 kilometers from Kottayam Mathrubhoomi Junction to Gomathy pump overlapping on Kottayam-Aluva, Ernakulam-Thekkady, Schemes, 1.300kms + 300meters from Chethonkara to Ranni and Rubberboard Jn to Mukkada overlapping on Kottayam - Punalur (via Ranni) notified Scheme and 600 meters from Kanjirappally Kuisu Junction to Kanjirappally Bus stand overlapping on Kottayam-Thekkady, Ernakulam-Thekkady, TVM-Thekkady, CHRY-CHRY (circular) Schemes. These overlapping comes under the permissible limit as per GO(P) No.8/2017 Trans dated 23/03/2017. RTA Pathanamthitta has granted concurrence in vide Order No G1/6698/2016/PTA dtd 29/03/2017 vide Item No 57. The applicant has produced current records of a later model vehicle S/C KL 33 F 1214 owned by the applicant. Hence, **the Fresh Regular permit granted to S/C KL 33 F 1214 / a 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 14**

Heard the learned counsel represented the applicant. Reconsidered the adjourned application for the grant of **fresh regular permit** to SC **KL 34 C 2043 / another suitable vehicle** to operate on the route **PONKUNNAM - VELIYANNOOR** Via Koorali, Paika, Pala, Valavoor, Uzhavoor as **ordinary service**.

This application was adjourned by the RTA on 02/02/2017 with direction to the Secretary RTA is to obtain a specific report from the field officer with detailed sketch and then place before the RTA since the MVI report and sketch obtained is not clear to this authority whether the vehicle is regulated through Pala Town in obedience to the judgments in MVAA No 196/2014 dated 29/10/2014 and MVARP No 262/2014 dated 19/05/2015 of Honorable STAT Ernakulam.

The MVI Pala has submitted a detailed report with route map. Against the judgment of Honorable STAT, a writ petition was filed as **WP[c] No 24736/2017 before Honorable High Court of Kerala.**

**Hence the application is adjourned with directing secretary RTA to place the application subject to the outcome of the judgment in WP[c] No 24736/2017 of Honorable High Court of Kerala.**

#### **Item No 15**

1. Perused the judgment of Honorable STAT in MVAA No 98/2016.

2. Reconsidered the application for the grant of **4 months temporary permit U/S 87[1][c]** to **SC KL 03 J 3548 / another suitable vehicle** to operate on the route **KOTTAYAM – KATTADY** Via, Chungam, Varisserry, Pullarikkunnu, Thoothooty, Kudamaloor Church, Panampalam, Medical College, Koloth Temple, Navajeevan, Cherupushpam Church, Manaleppally as **Town service.**

Heard the learned counsel represented the applicant. This is only an application for 4 months temporary permit U/S 87[1][c] of MV Act. KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for temporary permit for 4 months U/S 87 [1][c] to **SC KL 03 J 3548 / another suitable vehicle** to operate on the above route is **rejected.**

#### **Item No 16**

1. perused the judgment dtd 02/11/2017 of Honorable High Court of Kerala in WP[c] No 35010/2017.

2. considered the application **for the re issue of 04 months TP U/S 87(1) C** of MV Act to **leased SC KL 05 AC 8056** by replacing KL 06 D 7024 on the route Koruthode - Kottayam Via Mundakkayam, Kanjirappally, Ponkunnam, Kodungoor, 14<sup>th</sup> Mile, Pampady, Manarcadu and Kanjikuzhy in the vacancy of SC KEK 8611.

Heard the learned counsel represented the applicant. KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for temporary permit for 4 months U/S 87 [1][c] to **leased SC KL 05 AC 8056** by replacing KL 06 D 7024 to operate on the above route is **rejected.**

#### **Item No 17**

Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to **SC KL 05 S 190** on the route **Ranni - Kottayam** Via Palcherry, Manimala, Chamampathal, Manimala, Kodungoor, 14<sup>th</sup> Mile, Pampady, Manarcadu and Kanjikuzhy, in the vacancy of SC KRK 8330, from the date of expiry of the existing TP.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to **SC KL 05 S 190** to operate on the above route is **rejected.**

**Item No 18**

Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to SC KL 36 9190 to operate on the route **Vaikom - Kottayam** Via Kumaranelloor, Med.College, Mannanam, Neendoor, Kallara, Kaduthuruthy and Thalayolaparambu in the vacancy of SC KL 17 A 18, from the date of expiry of the existing TP.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC KL 36 9190 to operate on the above route is **rejected**

**Item No 19**

Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to SC KL 05 V 2963 to operate on the route **S N Puram - Kottayam** Via Kooroppada, Lakkattoor, Kothamangalapady, Poothirickal, Oravackal, Manrcadu and Kanjikuzhy in the vacancy of a defaulted service.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC KL 05 V 2963 to operate on the above route is **rejected**.

**Item No 20**

Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to SC KL 05 P 7891 on the route **Perunna Temple - Kottayam** Via Perunna, Chanaganacherry, Mathumoola, Thuruthy, Plamoodu, Kurichy, Chingavanam, Mavilangu, Bukkana, Nattakom and Manipuzha, in the vacancy of a defaulted service, from the date of expiry of the existing TP.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC KL 05 P 7891 to operate on the above route is **rejected**.

**Item No 21**

Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to SC KL 05 P 6777 to operate on the route on the route **Vechoor-Kidangoor** Via Vaikom, Thalayolaparambu, Kaduthuruthy, Kuruppunthara, Kuravilangadu, Marangattupally and Pala in the vacancy of SC KL 05 H 6212.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC KL 05 P 6777 to operate on the above route is **rejected**.

**Item No 22**



Heard the learned counsel represented the applicant. Considered the application **for the re issue of 04 months TP U/S 87(1) C of MV Act** to SC **KL-05-W-9444** (Old vehicle KL 05 AA 3471) to operate on the route **Village Hall - Kottayam** via Ettumanoor, Athirampuzha, Ammancherry, Medical College and Gandhinagar, in the vacancy of SC KL 05 410, from the date of expiry of the existing TP.

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC **KL-05-W-9444** to operate on the above route is **rejected**.

#### **Item No 23**

1.Perused the Order in MP No 690/2017 in MVAA No 203/2017 of Honorable STAT.

2.considered the application for the issue of **Temporary permit 87(1) c of MV Act for 7 days** to SC **KL 33 H 8818** to operate on the route **Kottayam - Karukachal** Via Kanjikuzhy, Puthupally and Thottacadu, in the vacancy of KL-07-AK-5499 (Which was conducting service in the vacancy of KL 05 D 2601) from the date of issue

KSRTC vehemently objected the grant. Moreover, Judgment dtd 17/10/2017 in WP[c] No 30359/2017 and WA No 993/2017 dtd 15/06/2017 of Division bench of Honorable High Court of Kerala ordered that not to grant temporary permit U/S 87[1][a], [b] [c] of MV Act. Hence the application for **temporary permit for 4 months U/S 87 [1][c]** to SC **KL 33 H 8818** to operate on the above route is **rejected**.

#### **Item No 24**

Considered the **concurrence request of RTA Muvattupuzha** for the grant of **Renewal of Permit** in respect of stage carriage **KL-17-K-5796** operating on the route **Thulappally – Ernakulam via, Kanjirappally, Thodupuzha, Muvattupuzha and Pattimattom** as LSOS.

**The route portion from 26<sup>th</sup> Mile to Kanjirappally Petta J n. [2.5kms] overlaps on Kottayam – Thekkady scheme and Ernakulam – Thekkady scheme. From Erattupetta B.S. to Erattupetta Jn. [400 meter] on Kottayam – Poonjar scheme.** 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 25**

Considered the **concurrence request of RTA Pathanamthitta** for the grant of **Fresh Permit** in respect of stage carriage **KL-07-AK-5499 / a suitable vehicle** operating on the route **Karukachal – Kadummenchira via, Kavalimukku, Mallappally, Padimon, Ezhumattoor, Chalappally, Perumpetty, Kariyamplavu, Kandanperoor, Chettimukku, Ranni, Ozhuvarpara, Mukkalumon, Anjukuzhi, Kakkadumon, Pamaruthi, Athikkayam, Madatham.**

**The route portion from Karukachal Bus Stand to Karukachal Jn. [0.2 km] objectionably overlaps on Trivandrum – Thekkady via Changanacherry 23861/TB3/66 PW dtd 10/10/1996, and Changanacherry – Changanacherry Circular scheme GO[MS] 146/67/PW dtd 20/07/1967.** 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 26**

Considered the **concurrence request of RTA Pathanamthitta** for the grant of **Fresh Permit** in respect of stage carriage **KL-05-Q-2251 / a suitable vehicle** operating on the route **Thiruvalla – Mallappally via, Kizhakkan Muthoor, Paipadu, Pamalapurisu, Chengaroorchira, Madukkoli.**

No overlapping in this jurisdiction. 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 27**

Considered the **concurrence request of RTA Idukki** for the grant of **renewal of Permit** in respect of stage carriage **KL-34-E-951** operating on the route **Kuzhitholu – Changanacherry via, 14<sup>th</sup> Mile, Kumuly, Vandanmedu and Chettukuzhy** as LSOS

**The route portion of 24 km from Changanacherry to 14<sup>th</sup> Mile 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, 18 km from 14<sup>th</sup> Mile to 26<sup>th</sup> Mile objectionably overlaps on Trivandrum – Thekkady and CHRY – CHRY Circular and Kottayam – Thekkady and Ernakulam – Thekkady 26929/TB3/66/PW dtd 12/10/1996 Trivandrum – Thekkady and CHRY – CHRY Circular and Kottayam – Thekkady and Ernakulam – Thekkady 26929/TB3/66/PW dtd 12/10/1996 and 12.5 km from 26<sup>th</sup> Mile to Mundakayam Bridge objectionably overlaps on 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 28**

considered the request for **allowing maximum time** for producing the records of a later model vehicle not older than 5 years of its registration, for availing the fresh regular permit granted by the RTA Kottayam on the route **Thiruvalla – Mammoodu** Via Central Junction, Deepa Junction, Kizhakkan Muthoor, Chumathra, Bethelpady, Paipadu and Venkotta as ordinary service in respect of S/C **KL 05 R 4626/another suitable vehicle.**

**The maximum time allowable U/S 159[2] of MV Act is seen expired on 24/11/2017. Hence rejected.**

**Item No 29**

**Considered the application for condonation of delay** on production of records of a later model vehicle which is not older than 5 years of registration age for availing fresh regular permit granted by the RTA in respect of S/C **KL 05 N 1899/ another suitable vehicle** on the route **Mallappally – Thiruvalla** even after obtaining maximum time for producing the records of a later model.

Perused the file. RTA Kottayam dtd 02/02/2017 in vide Order No G1/608/2017/K allowed maximum time of 04 months to produce the records of a later model **suitable vehicle** for availing the granted fresh S/C permit on the route **Mallappally – Thiruvalla.** **Hence Request for condonation of delay may not be considered and hence rejected.**

**Item No 30**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL33 A 353** on the route **ERUMELY- CHANGANASSERRY** is allowed as applied for, subject to clearance of all government dues, if any.

**Item No 31**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 V 1069** on the route **KOTTAYAM- CHANGANACHERRY** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 32**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 T 3083** on the route **KALLUMKATHARA – KOTTAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 33**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 E 2511** on the route **KOTTAYAM- CHANGANACHERRY** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 34**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 AA 1264** on the route **CHANGANACHERRY- KOTTAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 35**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 A 1232** on the route **KUNJI- KOTTAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 36**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 02 Y 1072** on the route **KAINADY-MED. COLLEGE** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 37**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 E 2504** on the route **CHANGANACHERRY – KOTTAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 38**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 D 959** on the route **KOTTAYAM-VADASSERIKKARA** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 39**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 E 1647** on the route **ERNAKULAM – MUNDAKAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 40**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 06 C 988** on the route **Karipputhattu Bridge – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 41**

Heard, the learned counsel represented the transferor and the transferee has requested to adjourn and allowed the request. Hence the transfer of permit in respect of the Stage Carriage **KL 05 AA 3154** on the route **PONKUNNAM-ERATTUPETTA** is **adjourned**.

**Item No 42**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 N 2080** on the route **KAINADY- KOTTAYAM** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 43**

Heard, the learned counsel represented the applicant

1.perused the Judgment in WP[C] No 24264 of 2017 dtd 27/7/2017

2.Delay condoned.

3.Allowed transfer of permit [Death] in respect of S/C **KL 07 AH 2808** on the route **KIDANGOOR – VECHOOR**.

4.Granted replacement of vehicle.

**Item No 44**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 Y 5247** on the route **Maniyamparambu - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 45**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 18 C 4797** on the route **Vazhamana - Kaippuzhamuttu** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 46**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 Y 5099** on the route **Kodungoor – Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 47**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 P 8984** [ Now replaced as **KL 34 E 5518** under lease agreement] **Ummikuppa -Edamury** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 48**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 E 5629** on the route **Kottayam - Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 49**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 N 5728** on the route **Pallikadavu - Cherthala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 50**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 AF 5768** on the route **Manaleppalli – Changanacherry** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 51**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 38 F 4729** on the route **Ernakulam - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 52**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 38 F 4755** on the route **Ernakulam Kaloor B S - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 53**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 R 4626** on the route **Ponganthanam - Thiruvalla** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 54**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 X 5000** on the route **Puthuppally - Ettumanoor** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 55**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 AL 6487** on the route **Ezhumamthuruth - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 56**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 06 C 4464** on the route **Kodungoor - Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 57**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 09 P 9530 [ Now replaced as KL 05 AM 4311]** on the route **Kottayam - Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 58**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 S 6026** on the route **Mammood - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 59**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 W 5003** on the route **Chanaganacherry - Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 60**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 C 6646** on the route **Perunilam - Kanjirappally** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 61**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 67 A 5971** on the route **Pala - Koothattukulam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 62**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 67 A 6065** on the route **Pala - Koothattukulam** is allowed as applied for, subject to clearance of all government dues, if any

### **Item No.63**

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.27839/2017

2.Heard;the learned counsel represented the Smt. Brijt K A, Kandathipparambil House, Rosapookandam, Kumily, Idukki. This is the matter related to the possession of the stage carriage KL-34-D-6274 consequent to the death of permit holder and all legal heirs except his minor daughter Anna Selin Thomas having eight years old. This authority considered the matter in detail and reveals the following.

1. A regular permit was issued in favour of Sri.Thomas Chacko, Kollamparabil House, Koottikkal, Yendayar in respect of his stage carriage KL-34-D-6274 to operate on the route Pala- Elamkadu as ordinary service. On 12/04/2017, the permit holder and his mother were expired in an accident. Smt. Betsy Thomas ,Wife of the permit holder, was also expired very before the expiry of the permit holder. In the result, kum.Anna Selin Thomas, the minor daughter of the permit holder having eight years old became one and only one legal heir of the deceased permit holder.

2.As there is no other legal heir are there to look after the daughter of the deceased permit holder, the maternal grantmother of the minor girl Smt.Brijit, Kandathipparambil,Rosappookandam,Kumily has decided to look after the affairs of the minor legal successor by securing an order from the Additional District Judge-V,Kottayam in I.A.No.1313/2017 in OP(G&W) No.63/2017 considering the best interest of the minor.

3. In the above circumstance, Smt.Brijit, has requested to allow transfer of permit U/S 82[2] of MV Act-1988.

4.Vide judgment in WP© No.27839/2017 dtd 17/10/2017, the Hon'ble High Court of Kerala has also considered the issue in its true spirit and directed the Secretary of the Regional Transport Authority to place all current records of the vehicle bearing registration No.KL-34-D-6274 before the Regional Transport Authority and the RTA is directed to take a decision in the matter within a period of six weeks.

By taking above facts, this authority considered the scope and applicability of the request for transfer of permit U/S 82[2] of MV Act in detail.

As per the documents produced and available in the file,it is very clear that the minor daughter is the legal heir and successor of the deceased permit holder .The maternal grandmother Smt.Brijit is looking after the affairs of the stage carriage for the best interest of the minor as per the order of the Additional District Judge-V,Kottayam in I.A.No.1313/2017 in OP(G&W) No.63/2017.This authority is also considered the matter for safeguard the future of the minor legal heir. As there is no other person to look after the minor daughter of the deceased permit holder, the available legal heir is a minor girl and hence there is

legal impediment to transfer the ownership in to her name, this authority is of considered opinion that the transfer of ownership of the vehicle KL-34-D-6274 in to the name of Smt.Brijit,the maternal grandmother of the legal successor of the deceased permit holder specifying on behalf of the minor legal heir Kum.Anna Selin Thomas is the one and only one feasible way to fix the future liability of the vehicle and also to obtain insurance and all other necessary required documents for the vehicle and for the best interest of the minor .

Therefore, this authority decided to transfer the vehicle KL-34-D-6274 and regular permit covered by the above vehicle on the route Pala-Elamkadu in to the name of Smt. Brijit, the maternal grandmother “**on behalf**” of Kum. Anna Selin Thomas subject to the condition that the transferee shall not alienate or transfer or replacement of the vehicle from the permit without permission of the Regional Transport Authority.

2.This authority is also responsible to ensure the safety and future of the minor successor. But here is impediment to transfer the regular permit in to the name of minor legal heir. Considering the future and best interest of the minor, this authority hereby ordered to transfer the ownership of the vehicle KL-34-D-6274 or any other vehicle attached to the permit in question and also the permit itself in to the name of Kum. Anna Selin Thomas, as and when she acquire the age of Eighteen years in the very next sitting of the RTA after the attainment of above age.

3.As the minor legal successor Kum. Anna Selin Thomas is the absolute owner of the vehicle KL-34-D-6274 and the permit, the Secretary RTA entrusted to watch all the affairs with regard to the vehicle and permit carefully considering the future and best interest of the minor successor.

#### **Item No 64**

Heard, the learned counsel represented the applicant. Perused the judgment in **WP[c] No.24433/2017** of Honourable High Court of Kerala. **Allowed transfer of permit [death]** in respect of S/Cs KL 05 AD 6905 [Karukachal – Nattakom Guest House], KL 05 AM 2296 [Kottayam – Pallickathodu],KL 05 AH 5760 [Mundakkayam – Kottayam], KL 05 AK 4279 [Thulappally – Kottayam], KL 05 AN 7902 [Naranamthodu – Kottayam] subject to clearance of all government dues, if any.

#### **Item No 65**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-AQ-8668** on the route **Pala – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

#### **Item No 66**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-38-C-8866** on the route **Kozhencherry – Kottayam** is allowed as applied for, subject to clearance of all government dues, if any

#### **Item No 67**



Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-35-G-8985** on the route **Kottayam- Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 68**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-AB-8400** on the route **Kottayam- Pala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 69**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-33-C-9189** on the route **Kottayam- Changanacherry** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 70**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-34-7879** on the route **Erattupetta- Chenappadi** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 71**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-X-9202** on the route **Erattupetta- Kanjirappally** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 72**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-35-A-8721** on the route **Pala- Ponkunnam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 73**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-17-E-7884** on the route **Ranni- Vattakkavu** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 74**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-34-7395** on the route **Thulappally - Kanjirappally** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 75**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-53-D-7963** on the route **Erattupetta - Manimala** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 76**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-33-8159** on the route **Ponkunnam - Changanacherry** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 77**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-W-9273** on the route **Pampady – Ponkunnam** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 78**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-38-E-8015** on the route **Kottayam – Vakkad** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 79**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-P-8775** on the route **Kottayam – Kozhencherry** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 80**

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL-05-X-7735** on the route **Kottayam – Kaipuzha Sasthangal** is allowed as applied for, subject to clearance of all government dues, if any

**Item No 81**

1.Perused the Judgment of Honorable High Court of Kerala in WP[c] No 17202/2017 and Judgment of Honorable Division Bench in Writ Appeal No 2246/2017 against the judgment in WP[c] No 17202/2017.

2.Herad, the learned counsel represented the permit holder Sri. K S Shereef and the counsel represented the KSRTC. This authority considered the matter in detail. This is the application for the renewal of permit in respect of stage carriage KL 05 M 3479 on the route Kanjiram Jetty – Kottayam via, Illickal, Manikunnam and Karapuzha as Ordinary Service. This authority in the earlier sitting held on 02/02/2017 considered the application and rejected the same on the ground that the proposed route is having length of 8 km and in which 1.4km length is objectionably overlaps Trivandrum – Kottayam,Ernakulam – Thekkady and Kottayam – Thekkady notified routes published vide GO[P] No

42/2009/Tran dtd 14/07/2009. Above order was challenged before the Honorable High Court of Kerala vide WP[c]No 17202/2017 and subsequently on 11/08/2017, the Honorable High Court has quashed the order of this authority dtd 02/02/2017 and directed to renew the permit on the basis of observations and findings rendered by the State Transport Tribunal in MVARP No 22/2011, while giving direction to grant regular permit during the year 2011.

The KSRTC, the beneficiary of the notified schemes, has filed an appeal against the judgment of Honorable Single Bench in WP[c] No 17202/2017, vide judgment in W.A. No 2246/2017 dtd 16/11/2017, the Honorable Court has upheld the findings of the Honorable Single Bench in WP[c] No 17202/2017 by vacating only one clause maintaining the ultimate direction contained in the judgment under appeal.

In this sitting also, the learned counsel represented the KSRTC has vehemently objected the grant of renewal of permit stating the renewal of permit will violate the scheme of nationalization.

As the ultimate direction in judgment in WP[c] No 17202/2017 is to renew the regular permit, the Honorable Division Bench has ordered to maintain the ultimate direction of the learned single judge, this authority is bound to comply the order of Honorable Court by renewing the regular permit.

Therefore, Renewal of regular permit 5/3397/2011 in respect of stage carriage KL 05 M 3479 on the route Kanjiram Jetty – Kottayam is **granted**.

#### **Item No 82**

Heard The learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 34 513** on the route **PONKUNNAM - CHERUVALLY TEMPLE** Via, Chirakadavu Temple, Thekkethukavala and Padanilam. Perused the file and enquiry report. This permit is issued after 14/07/2009. A distance of 10 meters on NH 183 for entering In Ponkunnam PVT.Bus Stand. This portion lies in Thiruvannathapuram – Thekkady, and Kottayam –Kumily, Ernakulam – Thekkady and Changanacherry –Changanacherry circular scheme overlaps the notified route vide approved scheme GO[P]No 8/2017 /Trans dtd 23/03/2017 which is in 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 83**

Heard the learned counsel represented the applicant. **Delay condoned**. Considered the application for **renewal of regular permit** in respect of S/C **KL 33 D 3461** on the route **CHANGANACHERRY-ERATTUPETTA** Via, Karukachal, Manimala, and Kanjirappally for a further period of 5 years from the date of expiry. Perused the file and enquiry report. This permit is seen 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 84**

Heard the learned counsel represented the applicant. Reconsidered the application for **renewal of regular permit** in respect of S/C C **KL 05 AM 63** on the route **KOTTAYAM - CHAMAKKALA** Via, Parepally Vedagiri, Kottamuri, Ettumanoor, Carithas, Adichira, And Kurmaranalloor as Town Service for a further

period of 5 years from the date of expiry. Perused the file and enquiry report submitted by the MVI. This permit is seen 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.

Objections on the issued timings of this vehicle if any operator can file their objection before the Secretary RTA for settlement.

#### **Item No 85**

Heard The learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 35 B 4025** on the route **Kodungoor - Cherthala** via, Pallickathodu, Poovathilappu, Ayarkkunnam, Ettumanoor, Athirampuzha Market Jun, University, Attukaran Kavala, Pravattom Jun, Neendoor , Kallara, Perumthuruth, Edayazham, Bund Road & Thanneer Mukkam as ordinary service for a further period of 5 years from the date of expiry. Perused the file and enquiry report. This permit is issued after 14/07/2009. **Since 1.6km of the applied route portion from Pravattom Jn. to Neendoor objectionably overlaps on the Kottayam - Neendoor complete exclusion scheme (No.34626/TC2/64 PW dated 06/05/1965). The grant of a permit will be the violation of the existing scheme. Hence Rejected.**

#### **Item No 86**

Heard the learned counsel represented the applicant. **Delay condoned.** Considered the application for **renewal of regular permit** in respect of S/C **KL 67 A 6065** on the route **Pala - Koothattukulam** via, Chakkampuzha, Ramapuram, Erappumkara and Poovakkulam as ordinary service for a further period of 5 years from the date of expiry of regular permit for a further period of 5 years from the date of expiry. Perused the file and enquiry report. This permit is seen 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 87**

Re considered the **application for conversion of class of service as LSOS in respect of S/C KL 05 AE 3285** on the route **CHERTHALA - KALOOR BUS STAND**. Peruse the application in detail. The applicant has not proposed timings and list of stops. Hence the variation of permit application is **adjourned** with directing the applicant to submit proposed timings and list of stops.

#### **Item No 88**

Heard The learned counsel represented the applicant. Perused the Judgment in MVAA No 240/2015 dated 22/7/2017 of Honorable STAT. Considered the application for **variation of regular permit in respect of SC KL 36 A 61** on the route **KAIPUZHAMUTTU - BRAHMAMANGALAM** Via, Ullala, Vaikom, Udyanapuram, Toll, Kattukunnu, Poothotta, Puthenkavu school, Kanjiramattam, Aryankavu and Neerpara. **Variation of permit** as Kaipuzhamuttu – Brahmamangalam on the same via with change of termini [Starting and halting place changed as Kaipuzhamuttu instead of Poothotta ]by curtailing the 1 st trip from Poothotta to Vaikom at 5.30 am and Last Trip from Vaikom to Poothotta at 8.15pm. Perused the file and enquiry report. As per clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017 ,the stage carriage permits issued on or before 14/07/2009 are **“Saved Permits”** provided that further extension or variation shall not be allowed under any circumstances. This permit is seen issued before 14/07/2009 ie 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 a clear violation of Clause (4) of the notification No 8/2017/Tran dated 23/03/2017. **Hence rejected.**

**Item No 89**

Heard The learned counsel represented the applicant. Perused the Judgment in MVAA No 99/2016 dated 28/02/2016 of Honorable STAT. Considered the application for Variation of permit in respect of S/C **KL 33 B 3232** on the route **CHENAPPADY – ERATTUPETTA** Via, Vayalumkal, Anchilippa, Kanjirappally, Kappadu, Kalaketty, Pinnakkanadu, and Thidanadu with two round cut trip as Kanjirappally – Thampalakkadu with starting and halting at Chenappady Variation of permit as **Mukkada – Erattupetta** by Extending the route from Chenappady to Mukkada via, Marottichuvadu , Karikkattoor Centre and Cheruvally and Curtailing the Existing two round cut trips from Kanjirappally to Thampalakkadu as only one round cut trip and Change of starting and halting places as Mukkada [Now at Chenappady]. The enquiry officer reported that the proposed curtailment will adversely affect the travelling public including students. Hence **rejected.**

**Item No 90**

Heard The learned counsel represented the applicant. Considered the application for **variation of regular permit in respect of S/C KL 05 A D 190** on the route **KOTTAYAM – ADICHIPUZHA** via, MANNARCADU, KARUKACHAL, PATHANAD, MANIMALA , RANNI, Variation of permit as **KOTTAYAM – PERUNTHENARUVI** with extension of service on the route portion from ADICHIPUZHA to PERUNTHENARUVI Via Athikayam. Perused the file and enquiry report. As per clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017 ,the stage carriage permits issued on or before 14/07/2009 are “**Saved Permits**” provided that further extension or variation shall not be allowed under any circumstances. This permit is seen issued before 14/07/2009 ie 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 a clear violation of Clause (4) of the notification No 8/2017/Tran dated 23/03/2017. **Hence rejected.**

**Item No 91**

Re considered the **application for conversion of class of service as LSOS in respect of S/C KL 34 C 1427** on the route **Elamcadu - Ernakulam Kaloor Bus Stand**. Peruse the application in detail. The applicant has not proposed timings and list of stops. Hence the variation of permit application is **adjourned** with directing the applicant to submit proposed timings and list of stops.

**Item No 92**

Heard The learned counsel represented the applicant. Considered the application for **variation of regular permit in respect of SC S/C KL-36-E-7992** operating on the route **Palamkadavu - Kottayam** Via Vaikom ,Vechoor As Last trip curtailment from Vaikom to Palamkadavu and extend from Palamkadavu to Thalayolapparambu at a distance of 2 km By curtailing last trip from Vaikom to Palamkadavu and by extending the route portion from Palamkadavu to Thalayolapparambu at a distance of 2 km. Perused the file and enquiry report. As per clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017 ,the stage carriage permits issued on or before 14/07/2009 are “**Saved Permits**” provided that further extension

or variation shall not be allowed under any circumstances. This permit is seen issued before 14/07/2009 ie 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 a clear violation of Clause (4) of the notification No 8/2017/Tran dated 23/03/2017. **Hence rejected.**

**Item No 93**

Heard The learned counsel represented the applicant. Considered the application for **variation of regular permit in respect of SC S/C KL-36-8586** Pala-Ernakulam Via Marangattupally, Kuravilangadu, Kuruppanthara, Vaikom, Thrippunithura, Gandhi Square & Petta Jn as L.S.O.S by extending the route portion from Vyttila to Edappally for a distance of 7 kms. Perused the file and enquiry report. As per clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017 ,the stage carriage permits issued on or before 14/07/2009 are **“Saved Permits”** provided that further extension or variation shall not be allowed under any circumstances. This permit is seen issued before 14/07/2009 ie 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 a clear violation of Clause (4) of the notification No 8/2017/Tran dated 23/03/2017. **Hence rejected.**

**Item No 94**

Heard The learned counsel represented the applicant. Considered the application for **variation of regular permit in respect of S/C KL-35-9542** operating on the route Pala - Edakkunnam-Via,Bharanamganam, Panackapalam,Erattupetta, Thidanadu ,Pinakkanadu, Kanjirappally **As** Pala – Edakunnam One Trip Cut from Kanjirappally to Edakunnam[12.00 departure Kanjirappally and 12.40 departure from Edakkunnam]. Perused the file and enquiry report. As per clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017 ,the stage carriage permits issued on or before 14/07/2009 are **“Saved Permits”** provided that further extension or variation shall not be allowed under any circumstances. This permit is seen issued before 14/07/2009 ie 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 a clear violation of Clause (4) of the notification No 8/2017/Tran dated 23/03/2017. **Hence rejected.**

**Item No 95**

The surrender of regular permit No **5/2358/2012** in respect of S/C **KL 05 W 1308** on the route **Kombukuthy – Paschima is accepted and revoked.**

**Item No 96**

The surrender of regular permit No **5/78/2000** in respect of S/C **KL 36 345** on the route **Karunattuvala – Amrutha Hospital is accepted and revoked.**

**Item No 97**

The surrender of regular permit No **5/14/2017** in respect of S/C **KL 56 F 87** on the route **Ambika Market – Panambukadu is accepted and revoked.**

**Item No 98**

The surrender of regular permit No **5/1099/2015** in respect of S/C **KL 02 R 18** on the route **Kothanalloor – Ayarkunnam is accepted and revoked.**

**Item No 99**

The surrender of regular permit No **5/2220/2015** in respect of S/C **KL 37 A 4009** on the route **Pala – Thodupuzha is accepted and revoked.**

**Item No 100**

The surrender of regular permit No **5/1060/2016** in respect of S/C **KL 10 Y 7847** on the route **Ullala – Vaikom is accepted and revoked.**

**Item No 101**

Heard. Adv. Dinesh Menon, the learned counsel represented the permit holder Sri. Baby Antos and Adv. Gopinathan Nair, the learned counsel represented the objector Sri. K S Shereef. This authority considered the matter in detail.

A regular permit valid up to 03/07/2018 was issued in favor of Sri. Baby Antos, Parayil House, Edamaruku P O, Pala to operate on the route Pala – Kanjirappally in respect of S/C KL 05 P 2187. Thereafter, on consideration of application, this authority in its sitting held on 15/12/2012 allowed transfer of above permit to the name of Sri. Jojo Antony, Kizhakkethalackal, Anakkallu P.O., Kanjirappally. But the transferee has not availed transfer of permit intimating that the sale of vehicle could not be effected and hence requested to revoke the sanction of the transfer of permit.

In the mean time there arose a CMP 5668/2014 between one Sri. K S Shereef, Kunnakkattu House, Nadackal, Erattupetta and Sri. Jojo Antony the earlier transferee, before the Judicial First Class Magistrate Court Palawith regard to the transfer of ownership of stage carriage KL 05 P 2187 and the permit issued to the above vehicle on the route Pala – Kanjirappally.

Vide Order in above CMP No 5668/2014 and another CMP No 7464/2014 the Honorable Judicial First Class Magistrate Court, Pala allowed Sri. K S Shereef to take interim custody of the vehicle KL 05 P 2187, but not the permit with a condition that the possessor shall not alienate or transfer the vehicle without permission of the Court. As the permit holder Sri. Baby Antos, had lost the possession of the vehicle, there was an interim stay on Order of the Honorable STAT in MVARP No 69/2014, directing the Secretary RTA to release the vehicle from permit by keeping the vehicle under suspended animation. On 07/02/2015 the permit holder, Sri. Baby Antos had applied for the replacement of the stage carriage KL 05 P 2187 with another vehicle KL 38 A 3474 to avoid the non existence of regular permit without a vehicle.

During the pendency of the application for replacement, the permit holder had not produced records of the offered stage carriage for the replacement, Sri. K S Shereef was permitted to operate on the route Pala – Kanjirappally with his stage carriage KL 35 F 6766 in the defaulted vacancy of stage carriage KL 35 F 6766 in the defaulted vacancy of stage carriage KL 05 P 2187 with successively issued temporary permits in the light of order of Honorable High Court of Kerala. On 22/05/2017, vide judgment in WP[c] No 5535/2015, the Honorable High Court of Kerala has directed the Secretary RTA to consider the application for replacement of KL 05 P 2187 with KL 38 A 3477 subject to the outcome of another suit vide OS No 201/2017 filed by Sri. Baby Antos before the Munsif Court, Pala with regard to the non transfer of regular permit along with the transfer of possession of vehicle KL 05 P 2187 to Sri. K S Shereef.

Thereafter, the regular permit holder has offered another stage carriage KL 34 C 7787 and applied for the grant of temporary permit to operate in place of his own stage carriage KL 05 P 2187. In the light of Order of Honorable STAT in MVARP No 122/2017, this authority considered the applications

for temporary permits filed by Sri. Baby Antos and Sri. K S Shereef, to operate on the route Pala – Kanjirappally in place of stage carriage KL 05 P 2187 and temporary permit allowed to Sri. Baby Antos in respect of his stage carriage KL 34 C 7787 on the findings that the basic permit holder has a preferential claim than Sri. K S Shereef. These being the history of the case.

Now the Secretary RTA has placed the file and connected documents before this authority for taking action on regular permit issued in favor of Sri. Baby Antos as there was unauthorized change of possession of the vehicle KL 05 P 2187 covered by valid regular permit without prior sanction of the Regional Transport Authority and also to consider the applications for replacement of the vehicle.

In this sitting, Adv. Gopinathan Nair, the learned counsel represented Sri. K S Shereef has strongly requested to revoke the regular permit as there is violation of Rule 178 of KMV Rules 989. He has submitted copies of sale agreement executed between various persons with regard to unauthorized change of possession of stage carriage KL 05 P 2187. The learned counsel has intimated that original of all the sale agreements are under custody of Honorable Court and agreed to produce the original of all the sale agreements executed between Sri. Baby Antos and Rency Noby, Sri. Rency Noby and Jojo Antony, Sri. Jojo Antony and Sri. K S Shereef etc. if this authority demand the same for verification.

Adv. Dinesh Menon, the learned counsel represented the permit holder Sri. Baby Antos has intimated that the copies of sale agreements submitted by Sri. K S Shereef are bogus and hence requested to verify authenticity of the documents submitted by the objector. On consideration of all the documents produced, this authority is of considered opinion that taking of decision without ascertaining the authenticity of the documents produced by Sri. K S Shereef, will be denial of natural justice to the permit holder.

Therefore, the Secretary RTA is directed to

- 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.**

**Item No 102**

This item is to implement the decision taken by the STA in its meeting held on 14/06/2017 for fixing age limit for applying and granting for fresh regular stage carriage permits as follows in the light of the judgment of Honorable High Court.

- a)8years for ordinary stage carriage from the date of registration of the vehicle**
- b)7 years for city / town services from the date of registration of the vehicle**
- c)5 years for LSOS from the date of registration of the vehicle.**

**Heard all concerned and decided to implement the decision dtd 14/06/2017 of State Transport Authority.**

**Item No 103**



As per the decision of RTA Kottayam dtd 25/07/2017, **“Perused the decision taken by Vaikom Traffic Regulatory Committee on 29/06/2017 in detail. Objectors also heard at the time of sitting. It is seen that the proposal are on the basis of various discussions and studies. Considering the urgent necessity of control of traffic in Vaikom Town relating to Dalavakkulam Bus Stand, the proposals accepted and directed to implement with immediate effect. The Chairman Traffic Advisory Committee is also directed to report to the next meeting of the RTA if any variations needed in the proposed system after hearing all the objectors”.**

Joint RTO Vaikom reported 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.

But **Objections were raised at the meeting. Hence Chairman Traffic advisory committee Vaikom is once again directed to report to the next meeting of the RTA if any variations needed in the proposed system after hearing all the objectors” hence Adjourned.**

#### **Item No 104**

Applicant absent. Peruse the report of MVI. As per the report he has reported that the Stopping the bus at present condition may cause probability of accident due to insufficient width of the Road for two way traffic. The condition of the road at this location is very steep with sharp curves and a dangerous spot in view of Road Safety. The distance from the proposed Bus Stop in between the notified Limited Stop Bus Stops Paikkad and Marangattupilly are 1 kms and 1.4 kms respectively to both sides. There is no important offices / institutions located in connection with this Bus Stop. There is no provision to provide a Bus way at present road conditions especially insufficient width and steep with sharp curve.

Considering the above facts, **the request for the sanction of Bus stop for LSOS buses at Shanthi Nagar Bus Stop is rejected.**

#### **Item No 105**

KSRTC vehemently objected since the enquiry report submitted by the MVI was not hearing their part. Hence Secretary is directed to submit a detail report from the enquiry officer along with the details and specific remarks on the objection of KSRTC. **Hence Adjourned.**

#### **Item No 106**

Heard the applicant.

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

#### **Item No 107**

Heard the applicant.

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

#### **Item no 108**

Heard the applicant.

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

**Item No 109**

Heard the applicant.

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

**Item No 110**

Heard the applicant.

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

**Item No 111**

Heard the applicant.

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

**Item No 112**

Heard the applicant.

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

**Item No 113.**

Heard the applicant.

- 1.Delay condoned.
- 2.Renewal of Autorickshaw permit granted.
- 3.Transfer of permit [death] granted.