

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT  
AUTHORITY ERNAKULAM HELD ON 18/11/2017**

**Present:- Chairman-**

*Sri.K.MOHAMMED.Y.SAFIRULLA,I.A.S, The District Collector, Ernakulam*

**Members:-**

*1.Sri.A.V.Geoerge,I.P.S, The District Police Chief, Ernakulam[Rural] & Member  
RTA Ernakulam*

*2.Sri.K.G.Samuel, Deputy Transport Commissioner [Law], CZ- II, Ernakulam.*

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**Item No.01**

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-A-2178 on the route Thevara-Aluva-Aroor via Kaloor and Thoppumpady as Ordinary moffusil service. The entire portion of the proposed route is overlaps notified routes and 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-A-2178 with proposed set of timings.

**Item No.02**

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-A-2174 on the route Thevara-Aluva-Aroor via Kaloor and Thoppumpady as Ordinary moffusil service. The entire portion of the proposed route is overlaps notified routes and 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-A-2174 with proposed set of timings.

### **Item No.03**

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-15-8397 on the route Perumbavoor- Ernakulam Jetty via Aluva and Kalamassery as Ordinary moffusil service. The entire portion of the proposed route overlaps notified routes and 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-15-8397 with proposed set of timings.

### **Item No.04**

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-A-2180 on the route Kothamangalam- Ernakulam Jetty via Aluva and Perumbavoor as Ordinary moffusil service. The major portion of the proposed route overlaps notified routes and 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-A-2180 with proposed set of timings.

### **Item No.05**

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-A-2166 on the route Perumbavoor- Ernakulam Jetty via Aluva and Kalamassery as Ordinary moffusil service. The entire portion of the proposed route overlaps notified routes and 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-A-2166 with proposed set of timings.

### **Item No.06**

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-A-2175 on the route Perumbavoor- Ernakulam Jetty via Aluva and

Kalamassery as Ordinary moffusil service. The entire portion of the proposed route overlaps notified routes and 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-A-2175 with proposed set of timings.

**Item No.07**

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-A-2179 on the route Kothamangalam- Ernakulam Jetty via Aluva and Kalamassery as Ordinary moffusil service. The major portion of the proposed route overlaps notified routes and 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-A-2179 with proposed set of timings.

**Item No.08**

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.Sanesh.A.S. This is the application for the grant of fresh regular permit on the route Ezhattumugham- Angamaly- Chully- Chalakkudy Private Stand as Ordinary moffusil service. This authority initially on 17/08/2016 considered the application and rejected the same on various findings especially on the findings that the applicant is not financially sound to maintain a stage carriage service and the proposed route is objectionably overlaps Trivandrum-Palakkad and Trivandrum- Kannur notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Thereafter in the earlier sitting held on 15/07/2017, considered the application afresh in the light of judgment of Hon'ble STAT in MVARP No.133/2016 adjourned decision with direction to the Secretary of the Regional Transport Authority to obtain route enquiry report from Secretary RTA Thrissur for ascertaining the actual overlapping on notified route in Thrissur district and the Secretary RTA was also directed to ascertain the financial stability of the applicant. In addition to the above, this authority directed the applicant to furnish a new time schedule in accordance with the provisions of speed and running time.

Now, on request , the Secretary RTA Thrissur has submitted a detailed route enquiry report with regard to the portion lying under the jurisdiction of RTA Thrissur and the Secretary RTA has furnished a report ascertaining the financial stability of the applicant to maintain stage carriage service. But the applicant has not submitted a new time schedule as directed by this authority.

This authority considered the application for the grant of regular permit in view of the route enquiry report furnished by the Secretary RTA Thrissur, the Secretary RTA Ernakulam and the certificate issued by the Mattoor Village officer with regard to the Annual income of the applicant and reveals the following.

1. The proposed route is having route length of 95.6 km, in which 15.3 km is lying under the jurisdiction of Regional Transport Authority Thrissur as per the report of the Secretary RTA, Thrissur. As per the report of route enquiry officer the Secretary RTA Ernakulam, 79.5 km of the proposed route is lying under the jurisdiction of the RTA Ernakulam.
2. As per the route enquiry reports, the following portions of the proposed route are overlapping on notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 , which is further modified by GO(P) No.08/2017/Tran dtd 23/03/2017.

**A. Portion of the proposed route from Muringoor Kappela to Chalakkudy South Jn which is for a distance of 2.5 km .**

**B. Portion from Chalakkudy South Jn to Chalakkudy South Stand via Civil Station Signal Jn and Old NH Road which is for a distance of 600 meter.**

**C. Portion from Angamaly Bank Jn to Angamaly Bus Stand for a distance of 1.9 km.**

**D. Therefore Total Overlapping on notified route is 5km.**

3. As per Clause 5[C] of the Notification No.42/2009/Tran dtd 14/07/2009 and Notification No.08/2017/Tran dtd 23/03/2017, it is very clearly specified that permits can be granted to private operators on other routes permitting them to overlap 5 kilometre or 5% of the length of their own routes, whichever is less on the notified routes, for the purpose of intersection.

In this case, the proposed route is having length of 95.6 km and the permissible overlapping is 4.78 km .But here, the reported overlapping is 5km [3.1 km in Thrissur Dist + 1.9 km in Ernakulam Dist], which is beyond the permissible limit.

4. As per the Income Certificate issued by the Mattoor Village Officer, the applicant is financially stable for maintain a stage carriage service.

On consideration of above factors, this authority felt that the proposed route is objectionably overlaps notified route listed in the GO(P) No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. If the proposed permit is granted, it will clear violation of Clause [5]C of the above notifications, Connected judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala and Scheme of nationalization.The learned counsel represented the applicant has also admitted the violation of scheme of nationalization.

In view of the afore said circumstances of legal impediments, the application for the grant of regular permit is hereby rejected.

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

Heard; Adv.Jithesh Menon,the learned Counsel represented the applicant Sri.Shagin. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route North Parur- Vyttila Hub as Ordinary moffusil service. The proposed route is an intra district route having route length of 25.8 km .The proposed route will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017.This authority in its earlier sitting held on 22/12/2015, considered the application and adjourned decision with direction to the applicant to offer a suitable stage carriage not older than five years considering the aspect of Road Safety of public. Thereafter, in the light of judgment in WP© No.24607/2016 filed by the applicant, the STA decided and specified the age limit for applying and granting regular moffusil stage carriage permit as eight years. In the above circumstances, now the applicant has intimated that he is willing to offer a suitable stage carriage not older than eight year as specified by the RTA if the applied regular permit is granted. On perusal of the file it is evident that

the applicant was operating service on the same route on the strength of temporary permit with a settled set of timings. Vide reported decision in Aboobacker Vs RTA[2005][1]KLT987 the Hon'ble High Court had clarified that furnishing of particulars of the vehicle in the application itself is not mandatory. The representative of Private Bus Operators Forum has objected the grant of permit to Vyttila Hub, stating that there is an earlier decision of this authority preventing the stage carriage service from Kodungallur Side to Vyttila Hub. On consideration, this authority hereby overruled the objection on the ground that there was no restrictions imposed by the RTA for the grant of stage carriage permit up to Vyttila Hub. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned by the applicant with the existing settled set of timings subject to the production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

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

Heard; Adv.Jithesh Menon, the learned Counsel represented the applicant Smt.Khadeeja. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route North Parur- High Court Jn-Convent Beach as Ordinary moffusil service. The proposed route is an intra district route having route length of 34.4 km .The proposed route will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. This authority in its earlier sitting held on 22/12/2015, considered the application and adjourned decision with direction to the applicant to offer a suitable stage carriage not older than five years considering the aspect of Road Safety of public. Thereafter, in the light of judgment of Hon'ble High Court, the STA decided and specified the age limit for applying and granting regular moffusil stage carriage permit as eight years. In the above circumstances, now the applicant has intimated that he is willing to offer a suitable stage carriage not older than eight year as specified by the RTA if the applied regular permit is granted. On perusal of the file it is evident that the applicant was operating service on the same route on the strength of temporary permit, subsequently, timings settled by the Secretary RTA based on the direction from the Hon'ble High Court of

Kerala. Vide reported decision in Aboobacker Vs RTA[2005][1]KLT987 the Hon'ble High Court had clarified that furnishing of particulars of the vehicle in the application itself is not mandatory. The representative of Private Bus Operators Forum has objected the grant of permit to Vyttila Hub, stating that there is an earlier decision of this authority preventing the stage carriage service from Kodungallur Side to Vyttila Hub. On consideration, this authority hereby overruled the objection on the ground that there was no restrictions imposed by the RTA for the grant of stage carriage permit up to Vyttila Hub. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned by the applicant with the existing settled set of timings subject to the production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

**Item No.11**

Heard; Adv.G.Prabhakaran,the learned Counsel represented the applicant Sri.Deepesh C George. This is the application for the grant of fresh inter district regular permit in respect of a suitable stage carriage not older than eight years on the route Eramalloor- Infopark- Edachira as Ordinary moffusil service. As per the report of the route enquiry officer,the proposed route is having route length of 41.8 km ,in which 4.8 km is lying under the jurisdiction of RTA Alappuzha. Therefore, the Secretary RTA is permitted to seek concurrence of RTA Alappuzha with specific details of intermediate points.Hence adjourned.

**Item No.12**

Heard; Adv.Stalin Peter Davis,the learned Counsel represented the applicant Sri.Shaju Kuriakose. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route Kizhakkambalam- Aluva- Vyttila as Ordinary moffusil service. The proposed route is an intra district route having route length of 37 km .The proposed route will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. The learned counsel represented the applicant has intimated that he is ready to produce a stage carriage not older than eight years , if the regular permit is granted. Hence, there is no legal impediment to grant

regular permit as sought by the applicant. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned by the applicant subject to settlement of timings, on production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

**Item No.13**

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant Sri.Deepesh C George. This is the application for the grant of fresh inter district regular permit in respect of a suitable stage carriage not older than eight years on the route Pallithode- Kakkanad- CSEZ as Ordinary moffusil service. As per the report of the route enquiry officer, the proposed route is having route length of 42.8 km ,in which 10 km from Ezhupunna Bridge to Pallithode is lying under the jurisdiction of RTA Alappuzha. Therefore, the Secretary RTA is permitted to seek concurrence of RTA Alappuzha with specific details of intermediate points. Hence adjourned.

**Item No.14**

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation and renewal of regular permit in respect of stage carriage KL-08-AH-4131 to operate on the modified route Kodungallur- Moothakunnam- North Parur curtailing the service in between North Parur and Gothuruth for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme as Ordinary moffusil service. This authority considered the application in detail. At present, the applicant is operating on the route Kodungallur- Moothakunnam- North Parur- Gothuruth as Ordinary moffusil service. As the operation of service in between North Parur and Gothuruth is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the modified route Kodungallur- Moothakunnam- North Parur by curtailment of service between North Parur and Gothuruth to overcome the legal impediment of objectionable overlapping.

This authority felt that the curtailment of service in between North Parur and Gothuruth will adversely affect the travelling public. So many

objections have been received from the public against the curtailment of trips. But here is a legal impediment to renew the regular permit without avoiding the objectionable overlapping on nationalized scheme. Hence proposed variation is allowed without changing the existing timings and renewal of permit on the modified route Kodungallur- Moothakunnam- North Parur is granted.

**Item No.15**

Heard; Adv.Stalin Peter Davis, 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-17-D-3639 operating on the route Mambra- Mulamkuzhy as Ordinary moffusil service. By the proposed variation, the permit holder has desired to operate

1. 1<sup>st</sup> trip from Mambra to only up to Illithode via Puliyanam, Angamaly and Kalady. curtailing service to Mulamkuzhy in the existing service
2. 2<sup>nd</sup> trip from Illithode to Mambra via Kalady,Angamaly and Karukutty
3. 7<sup>th</sup> trip from Mambra to Illithode via Puliyanam, Angamaly and Kalady curtailing service to Mulamkuzhy
4. 8<sup>th</sup> trip in between Illithode and Mambra via Puliyanam

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 the following.

1. The regular permit was issued during the year 1993 and the portions existing route from Karukutty N.H Jn to Angamaly Pvt.Bus Stand for a distance of 6.2 km and portion from Kalady Jn to Angamaly Town Jn which is for a distance of 6.7km are objectionably overlaps Trivandrum-Palakkad ,Ernakulam-Guruvayur and Kottayam-Kozhikode notified routes published vide GO(P) No.42/2009/ Tran dtd 14/07/2009 and further modified by GO(P) No.08/2017/Tran dtd 23/03/2017. ***As per Clause[4] of the modified scheme, 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 circumstance.*** The permit issued to the applicant during the year 1993 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 it cannot be allowed.

2. The route enquiry officer has specifically reported that the proposed curtailment of trips in between Illithode and Mulamkuzhy in the 1<sup>st</sup> and last trips will adversely affect the travelling public. In the same time, he has reported that the deviation opted by the permit holder through Puliyanam is beneficial to the public and the curtailment of service in the deviated trips via Karukutty will adversely affect the public. As per the considered opinion of the field officer, the benefits of the proposed variation will supersede the demerits .
3. But, in this sitting, so many objections have been received against the curtailment of morning and evening trip to Mulamkuzhy. The Regional Transport Authority is the statutory authority constituted for the consideration of applications in accordance with Motor Vehicles Act and Rules made there under. In this case, vide notification 08/2017/Tran dtd 23/03/2017, the Government of Kerala have prevented any variations on regular permit granted on notified routes or portion thereof before 14/07/2009. Therefore, the proposed variation cannot be allowed.

In view of the aforesaid facts and circumstances of legal impediments, application for the variation of saved permit by the notification No.08/2017/Tran dtd 23/03/2017 is hereby rejected.

**Item No.16**

Heard; Adv.stalin Peter Davis, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation and renewal of regular permit in respect of stage carriage KL-42-L-4353 to operate on the modified route North Parur- Vypin-Ernakulam High Court Jn curtailing the service in between North Parur and Gothuruth for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme as Ordinary moffusil service. This authority considered the application in detail. At present, the applicant is operating on the route Vypin- North Parur- Gothuruth as Ordinary moffusil service. As the operation of service in between North Parur and Gothuruth is objectionably

overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the modified route North Parur- Vypin-High Court Jn by curtailment of service between North Parur and Gothuruth to overcome the legal impediment of objectionable overlapping.

This authority felt that the curtailment of service in between North Parur and Gothuruth will adversely affect the travelling public. So many objections have been received from the public against the curtailment of trips. But here is a legal impediment to renew the regular permit without avoiding the objectionable overlapping on nationalized scheme. Hence proposed variation is allowed without changing the existing timings and renewal of permit on the modified route North Parur-Vypin- High Court Jn is granted.

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

Heard; Adv.Stalin Peter Davis, 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-07-AR-3204 operating on the route Angamaly- Kalady Plantation as Ordinary moffusil service. By the proposed variation, the permit holder has desired to operate

- 1.Change starting and halting place to Manjapra instead of Angamaly
- 2.1<sup>st</sup> trip from Manjapra to Kalady and 2<sup>nd</sup> trip from Kalady to Manjapra and then to Pandupura via Ayyampuzha, Block-6,Kallala Factory and 3<sup>rd</sup> trip from Pandupura to Angamaly viaKannimangalam, Naduvattom and Manjapra
3. 5<sup>th</sup> and 6<sup>th</sup> trips in between Angamaly and Manjapra
- 4.12<sup>th</sup> trip from Angamaly to Pandupura via Manjapra, Ayyampuzha and Kallada Factory and return to Manjapra via Kannimangalam and Naduvattom

This authority considered the application in detail. In this sitting so many objections have been received against the proposed variation stating that the curtailment of trips between Angamaly and Manjapra and in between Manjapra and Kalady Plantation Block-15 will adversely affectthe travelling public. The enquiry officer has also reported the adverse effect of proposed variation. He has also reported that the deviation of existing trips via

Ayyampuzha is beneficial to the public and the benefits of the proposed variation will not supersede the demerits since the curtailment of existing trips will invite bad impact in public and public transportation.

In view of the afore said findings, application for the variation of permit is hereby rejected.

**Item No.18**

1.Perused the judgment of Hon'ble STAT in MVAA No.176/2016.

2.Heard; Adv.Gopinathan Nair, 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-32-B-8962 operating on the route Eramalloor- Elamakkara as Ordinary moffusil service.By the proposed variation,the applicant is desired to vary the permit so as to extend the service up to Thuravoor in the 8<sup>th</sup> trip so as to start operation in the morning at Thuravoor. He has also proposed curtailment of 9<sup>th</sup> and 10<sup>th</sup> trips in the existing time. This authority in the earlier sitting held on 17/08/2016 considered the application and rejected the application on the ground that the proposed variation will not provide any advantage to the travelling public. The decision was challenged before the STAT vide MVAA No.176/2016 and now vide judgment in the appeal, the Tribunal has observed that a copy of the field officers report had not given to the permit holder before taken a decision. Hence the Hon'ble Tribunal has directed the RTA to reconsider the application after given a copy of the report of the field officer to the permit holder. In view of the judgment of Hon'ble Tribunal, the Secretary RTA has given a copy of the field officers report to the permit holder and placed the matter for the reconsideration of this authority.

The learned counsel represented the permit holder has also admitted the bad impact of the proposed curtailment especially at night and requested to consider the matter and take a decision in favour of the permit holder.

This authority reconsidered the matter in detail verified the following findings rendered in the earlier sitting.

1. The curtailment of trips in between Eramalloor and Kaloor in the 9<sup>th</sup> and 10<sup>th</sup> trips will adversely affect the travelling public. Interest of the public is the main factor for the grant of a variation on existing

regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

2. As per the existing time schedule, the permit holder shall conduct service up to 9.25 PM and these time schedule was issued in an open timing conference considering the public Interest. By the proposed variation, the permit holder is intended to curtail last two trips in between Eramalloor and Kaloor so as to halt the service at 6.52PM. At the time of hearing, so many objections have been raised by the public stating that the curtailment of night trips to Kaloor and return trip to Eramalloor stating that it will adversely affect them since no sufficient services are available during the late night. Hence the proposed curtailment cannot be allowed.
3. The Regional Transport Authority Alappuzha granted concurrence for the extension of service to Thuravoor, but the adverse effect consequent to the curtailment of night trips cannot be allowed considering the interest of public.
4. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public. In this case this authority granted permit for the convenience of the travelling public. No sufficient stage carriages are operating through the curtailed portion in the late night. Hence the proposed variation is against the public interest. This authority feels that the consequence of curtailment of trips is much higher than the advantage offered by the proposed extension.

This authority is of considered opinion that there is no change of circumstances warranted to revise the earlier findings of this authority, since the proposed variation is adversely affect the travelling public.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

**Item No.19**

Heard; Adv. Stalin Peter Davis, the learned counsel represented the permit holder of stage carriage KL-07-CD-1857 covered by regular permit on the route Kakkanad- CSEZ-Trippunithura- Ernakulam South- High Court Jn- Kaloor as Ordinary Moffusil Service. The learned counsel represented the permit holder has intimated that the No Objection Certificate issued by the hypothecator. As the regular permit in question is on an intra district route, the Secretary RTA was already delegated to consider and dispose the applications for the renewal of regular permit filed within the time limit prescribed U/S 81 of MV Act. Therefore the Secretary of RTA is entrusted to consider and dispose the application in accordance with Rule.

**Item No.20**

1. Perused Judgment of Hon'ble STAT in MVAA No.55/2017

2. Heard; Adv. Jithesh Menon, the learned counsel represented the permit holder. In the light of judgment of Hon'ble STAT in MVAA No.55/2017, this authority reconsidered the application for the renewal of permit in respect of stage carriage KL-43-E-2324 covered by regular permit on the route Ponekkara- Chellanam as Ordinary Service. This authority in the earlier sitting considered the application and rejected the same on the findings that the regular permit was issued after 09/05/2006 and the grant of renewal will violate the Clause[4] of the GO(P) No.42/2009/Tran dtd 14/07/2009. Now, on 23/03/2017, the Government of Kerala have amended the above notification vide GO(P) No.08/2017/Tran , wherein it is permitted to renew the permits issued up to 14/07/2009 on notified routes, provided that further extension or variation shall not be allowed under any circumstances. The regular permit in question was issued on 23/12/2006 .Therefore, renewal of permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

**Item No.21**

1. Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of inter district regular permit in respect of stage carriage KL-08-AB-101 operating on the route Kumbalam-Trissur as LSOS. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988 and this authority in its sitting held on

23/02/2017 condoned delay and sought concurrence of RTA Thrissur for the renewal of permit.

Now, the RTA Thrissur has given concurrence for the renewal of permit. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 05/02/2002. The proposed route is having length of 90 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

2.As there is several objection from the travelling public with regard to the non operation of regular service to Kumbalam, the Secretary RTA is direct to watch the service of the stage carriage frequently and submit a detailed report before this authority in the next sitting without fail.

### **Item No.22**

1.Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of inter district regular permit in respect of stage carriage KL-36-F-1719 operating on the route Kaippuzhamuttu- Ernakulam Kaloor Bus Stand as LSOS. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 10/12/1997. The proposed route is having length of 50 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

### **Item No.23**

1.Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of intra district regular permit in respect of stage carriage KL-07-AQ-644 operating on the route Mambrakkadavu-Angamaly-Perumbavoor-Palissery as Ordinary Moffusil Service. This authority considered the application in detail. The regular permit issued to stage carriage KL-07-AQ-644 was expired on 30/11/2015 .The permit holder filed application within the time limit specified U/S 81 of MV Act-1988. The secretary RTA has explained that the delay in considering the application was due to the non production of original records of the vehicle. The regular permit was issued on 01/12/2005. The proposed route is having length of 43.2 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

**Item No.24**

1.Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-43-E-3997 operating on the route Parackamugal- Arookutty Ferry as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The Secretary RTA has informed that even after repeated directions issued,the permit holder has not appeared for a personal hearing and not responded to the Charge memo issued on Check report booked on 28/04/2016 against illicit contract carriage operation. This authority also verified the illegality and violation of permit condition committed by the permit holder. The gravity of the offence will attract invalidation of permit

Therefore,

The Secretary RTA is directed to issue show cause notice to the permit holder and place the matter in the next sitting for reconsideration. The

Secretary is also directed to place the application for renewal of permit and Check report as separate Items in the agenda. Hence adjourned

**Item No.25**

1.Heard; Adv. Gopinathan Nair, the learned Counsel represented the applicants and the Counsel represented KSRTC. This is the applications for the renewal of regular permit in respect of stage carriage KL-07-BB-2713 operating on the route Manjaly-Aluva as Ordinary moffusil Service and transfer of permit to one Mr.Sadanandan,Kulakozihippadath,Paravoothara. On perusal of the file, it revealed that two more check reports are pending against the vehicle. Therefore the decision is adjourned to next sitting for the clearance of pending check reports.

**Item No.26**

1.Heard; Adv.Gopinathan Nair, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the applications for the renewal of intra district regular permit in respect of stage carriage KL-07-AX-4309 operating on the route Fort Kochi-Edakochi-W.Island-Perumpadappu as City Service and request for condonation of delay in filing application and also to allot time up to the renewal of permit for effecting granted transfer of permit. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 03/10/1992. The proposed route is having length of 23.5 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. There is no impediment to renew the permit for continuous operation on the proposed route.This authority satisfied with the explanation offered for the delay occurred in filing application. Hence delay is condoned and renewal of regular permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

2.Considering the reason for the delay in submitting current records, maximum time up to the endorsement of renewal of permit is allowed to endorse the granted transfer of permit on 23/02/2017.

**Item No.27**

1.Perused judgment of Hon'ble STAT in MVAA No.136/2015

2.Heard; Adv. Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the applications for the renewal of inter district regular permit in respect of stage carriage KL-42-C-5808 on the route Kodungalloor- Ernakulam High Court as Ordinary moffusil service and replacement of vehicle with another vehicle KL-13-L-7115.This authority reconsidered the earlier decision dtd 13/02/2015 in the light of direction issued by the Tribunal in judgment in MVAA No.136/2015. Brief History of case is as follows.

Stage carriage KL-42-C-5808 was covered by a regular permit valid up to 31/07/2017 on the route Kodungallur-Ernakulam High Court Jn as Ordinary moffusil service. On 25/08/2012, the vehicle KL-42-C-5808 was released from the permit by keeping the permit under suspended animation in view of the Order of Hon'ble Tribunal in M.P.No.786/2012 in MVARP No.289/2012. As the permit holder not offered another vehicle for holding the permit under suspended animation, Regional Transport Authority held on 13/02/2015 revoked the regular permit. Above order was challenged before the Hon'ble Tribunal vide MVAA No.136/2015. In the mean time, on 29/10/2015, the permit holder offered another stage carriage KL-13-L-7115 owned by him and applied for the replacement of vehicle. Subsequently in compliance to the judgment of Hon'ble High Court of Kerala in WP(C) No.11417/2016, Regional Transport Authority granted temporary permit for duration of 4 months to stage carriage KL-13-L-7115 during the pendency of appeal in MVAA No.136/2015.

On 22/07/207, the Tribunal has pronounced a final verdict in MVAA No.136/2015,wherein the Tribunal has observed that while issuing direction for granting clearance certificate, the Tribunal had not specified time limit for the production of vehicle for the replacement. Therefore, there is force in the contention of the appellant that in the absence of any time stipulated by the Tribunal, the appellant cannot be penalised for not effecting the replacement. Therefore, as there was no sufficient time granted to the appellant for replacing the vehicle, the Tribunal allowed the appeal in part and directed the RTA to consider the matter afresh and pass orders after hearing affected parties.

In view of the findings of the Tribunal, this authority reconsidered the matter of revocation of regular permit and considered the application for the renewal of permit. This authority in sitting held on 13/02/2015 revoked the regular permit in respect of stage carriage on the route Kodungallur-Ernakulam High Court Jn on the finding that the permit holder has not offered another suitable stage carriage for the replacement of vehicle. This authority admitted that there was no such time limit prescribed to the permit holder for the replacement of the vehicle. It is very important fact that the permit holder is conducting on the route on which regular permit was issued with his stage carriage KL-13-L-7115 with successively issued temporary permits with effect from 31-12-2016. Subsequently the permit holder had applied for the replacement of the vehicle with stage carriage KL-13-L-7115. The Tribunal has directed this authority to reconsider the matter afresh in view of the fact that sufficient time was not granted to the permit holder. As per the findings of Hon'ble Tribunal, the regular permit cannot be revoked .

If the regular permit is not liable to be revoked, there is no legal impediment to renew the regular permit as the permit was issued on 31/07/2007. This authority is satisfied with the explanation offered by the permit holder for the delay in filing application for the renewal of permit. Therefore renewal of regular permit 07/1002700/2007 issued in favour of Sri. Baiju. A. B on the route Kodungalloor- Ernakulam High Court Jn is hereby granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

3. The Secretary RTA is entrusted to consider and dispose the application for the replacement of the vehicle with Stage Carriage KL-13-L-7115 in accordance with law.

### **Item No.28**

1. Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-08-AK-8600 operating on the route Ezhikkara- North Parur as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 06/10/2007. The proposed route is having length of 12.5 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted .

**Item No.29**

This is the application for the renewal of regular permit in respect of stage carriage KL-01-AQ-7878 operating on the route Perumpadappu-Chellanam-Kothad Ferry as Ordinary City Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988 and he was absent in the sitting. Hence adjourned.

**Item No.30**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-60-A-552 on the route Vypin -Maliyankara, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.31**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-08-X-1800 on the route Kakkanad-Perumbalam Ferry, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.32**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-1621 on the route North Parur- Ernakulam South, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.33**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

05-X-27 on the route Karimugal- Vyttila Hub, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.34**

Heard; Adv.Jithesh menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-06-C-1755 on the route Konthuruthy- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.35**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-1665 on the route Mulamkuzhy- Vattapparambu, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.36**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-V-682 on the route Poothotta- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.37**

1.Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant. This authority considered the matter in detail. This is the issue related to the renewal of permit in respect of stage carriage KL-43-B-175 on the route Perumpadappu- Aluva suppressing the death of permit holder. In view of the complaint received, an enquiry conducted by the Secretary RTA and verified the fraudness in application submitted for the renewal of permit. Thereafter, this authority in the sitting held on 17/11/2016, considered the matter and directed the Secretary RTA to issue show cause notice to the possessor of the vehicle seeking explanation in this regard.

Now, the possessor Smt.Thresiya Antony, wife of the deceased permit holder Sri.P.T.Antony has explained that she was ignorant about the filing of death intimation and all further legal proceedings with regard to the operation of vehicle consequent to the death of a permit holder. She has also intimated that her son is also hospitalized for the liver transplantation hence requested to consider the issue in lenient view.

2.Smt.Thresiya, wife of the deceased permit holder has applied for the transfer of permit U/S 82[2] of the MV Act-1988. On perusal of the file, this

authority revealed that the Secretary of RTA has heard all legal heirs of the deceased permit holder and all legal heirs were submitted their consent for the transfer of permit in to the name of Smt.Thresiya,wife of the deceased permit holder.

This authority considered the matter in detail. The Hon'ble High Court in judgment in WP© No.27780/2014,had pronounced a decision in issue of similar nature, wherein, the successor of the deceased permit holder had applied for the renewal of regular permit in to her name with an application for the condonation of delay in filing application. The same procedure is adopted by the applicant in this case also.

Considering the afore said facts and circumstances of the case, reported ignorance and application for the renewal of permit from 12/10/2014, the date of previous renewal of permit in to the name of successor of the deceased permit holder,

1.Delay in filing application is condoned and Transfer of permit U/S 82[2] of MV Act in to the name of Smt.Thresiya Antony is allowed.

2.The Secretary RTA is entrusted to utilize the fee remitted for the renewal of permit with effect from 12/10/2014 and to endorse the details on regular permit.

**Item No.38**

1.Perused judgment of Hon'ble High Court of Kerala in WP© No.33357/2017

2.The applicants were absent in the sitting. Hence this authority is incapable of complying the order of Hon'ble High Court of Kerala in WPC No.33357/2017. Hence adjourned to next sitting.

The Secretary RTA is directed to intimate the matter to the notice of Hon'ble Court.

**Item No.39**

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant.This the application for transfer of permit U/S 82[2] of MV Act in respect of Stage Carriage KL-07-BC-4906 on the route Kunjithai-Moothakunnam as Ordinary moffusil service. This authority verified the permit fil in detail. The regular permit in respect of stage carriage KL-07-BC-4906 was expired on 03/09/2014 and subsequently, the vehicle is operating with temporary permit issued U/S 87[1]d of MV Act-1988. The renewal of permit is pending due to the legal impediments of overlapping on Aluva-

Vadakkumpuram complete exclusion scheme. In this circumstance, Smt.Fathima Beevi, wife of the deceased permit holder has applied for the transfer of permit U/S 82[2] of MV Act.

This authority considered the application in detail.As there is no valid regular permit in respect of the stage carriage KL-07-BC-4906, the transfer of invalid permit cannot be allowed. Moreover there is no provision in the MV Act and Rules made there under to transfer of a temporary permit.

However considering the nature of the application, this authority permitted the transfer of ownership of the stage carriage KL-07-BC-4906 in to the name of Smt.Fathima Beevi, the successor of the deceased permit holder and permitted to continue service with temporary permit U/S 87[1]d of MV Act on filing application before the Secretary RTA.

Application for the transfer of permit will be finalized after renewal of permit subject to the clarification of Government with regard to the grant of permit on Aluva-Vadakkumpuram complete exclusion scheme.

**Item No.40**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-45-B-2552 on the route Annamanada-Pulikkakadavu- Perumbavoor, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.41**

Heard; the applicants. Transfer of permit in respect of S/C KL-08-AB-4555 on the route Eroor Gate-Elamakkara, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.42**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BA-4149 on the route North Parur- High Court Jn, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.43**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

05-T-6132 on the route Koothattukulam- Kaloor, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.44**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-W-5455 on the route Ernakulam South- North Parur, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.45**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-6862 on the route Trippunithura- Eroor- W/Island, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.46**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AT-6854 on the route Aluva- Fort Kochi, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.47**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BD-6097 on the route Kadavanthara- Kadavanthara, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.48**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BY-5375 on the route South Chittoor- Thevara Ferry, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.49**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-5040 on the route Pavamkulangara-Puthukkalavattom, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.50**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-40-6444 on the route Aluva- Thevara, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.51**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-5400 on the route Pooyappilly- North Parur- Ernakulam High Court Jn, is allowed as applied for subject to the clearance of Government dues, if any.

**Item No.52**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AQ-9634 on the route Ponekkara-Panangad, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.53**

Heard; Adv.Stalin Peter Davis, the learned counsel represented applicant. This is the application for the Transfer of permit U/S 82[2] of MV Act in respect of stage carriage KL-17-C-8388 on the route Vyttila-Vyttila[Anticlockwise] consequent to the death of permit holder. Applicant is wife and successor of the deceased permit holder. Legal heir ship certificate is also submitted for the evidence. Therefore Transfer of permit in respect of S/C KL-17-C-8388 U/S 82[2] of MV Act-1988, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.54**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-8899 on the route Kavumthazham-Kaloor, is allowed as applied for subject to the clearance of Government dues, if any .

**Item No.55**

- 1.Perused Judgment of Ho'bl High Court of Kerala in WPC No.32786/2017.
- 2.Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant Sri.Sunil. This is the application for the grant of counter signature on varied regular permit in respect of stage carriage KL-34-B-596 on the route Ernakulam- Guruvayur via High Court Jn, Container Road, Varappuzha Bridge, Koonammavu,KMK JN,Kodungallur, Triprayar,

Vatanappilly, Chettuva and Chavakkad as LSOS. This authority considered the matter in detail. Initially, Regional Transport Authority Thrissur granted regular permit in respect of applicants stage carriage to operate on the route Ernakulam- Guruvayur via High Court Jn, Gosree Bridge, Vypin, Cherai, North Parur, Kodungallur, Thriprayar, Vatanappilly, Chettuva and Chavakkad as LSOS. Thereafter on consideration of application for variation of permit, the Regional Transport Authority Thrissur granted variation so as to deviate the route from Ernakulam to North Parur via Container Road, Varappuzha Bridge, Koonammavu and KMK Jn avoiding service through Vypin and Cherai subject to Counter Signature of RTA Ernakulam. Subsequently, the permit holder has applied for the counter signature of this authority on varied permit. Vide judgment in WP(C) No.32786/2017, the Hon'ble High Court of Kerala has directed this authority to consider the application within a time frame.

On perusal of the file, this authority felt that, the regular permit in respect of stage carriage was issued during the year 2006 .Eventhough direction was issued to the applicant to produce details of route and decision of RTA Thrissur , he has not complied the direction of the Secretary RTA. As per Clause[4] of the GO(P) No.08/2017/Tran dtd 23/03/2017, the Government of Kerala have clarified that regular permits issued on private sector on notified routes up to 14/07/2009 are categorised as saved permit and variation or extension on those saved permits shall not be allowed under any circumstances.

In this case, the regular permit in question was granted during the year 2006 and hence the nature and feasibility of the grant of variation on the permit are to be ascertained before passing final orders on application for the counter signature. Therefore,

- 1.The Secretary RTA is directed to call route sketch and details of overlapping with regard to the route on which regular permit granted to stage carriage KL-34-B-596.
- 2.Conduct a detailed route enquiry with regard to the route portion lying under the jurisdiction of RTA Ernakulam.

Hence adjourned to next sitting

**Item No.56**

This is the request of the Secretary Regional Transport Authority Thrissur for the concurrence of this authority for granting variation of regular permit in respect of stage carriage KL-06-7119 on the applied route Kunnamkulam-Ernakulam via Guruvayoor, Chavakkad, Vatanappilly, Thriprayar, Perinjanam, S.N.Puram, Kodungallur, North Parur, Koonammavu, Varappuzha Bridge, Edappally and Kaloor by deviation ,curtailing service through Pathalam and Muttar as Ordinary Service.

This authority considered the application in the light of route enquiry report furnished by the field officer and reveals the following.

1. By the proposed variation , the permit holder has desired to deviate the service from Koonammavu to Edappally via *Varappuzha Bridge,curtailing service through Pathalam and Muttar Bridge. The route enquiry officer has specifically reported that stage carriage services through the curtailed portion is very less comparing the proposed deviated route via Varappuzha Bridge. Therefore the proposed variation will adversely affect the travelling public.* Hence, this authority is of opinion that the proposed variation is against the public interest.
2. The regular permit in question was granted and issued by the Regional Transport Authority Thrissur very well before 14-07-2009 and the route Kunnamkulam- Ernakulam is objectionably overlaps various notified routes. As per Clause[4] of GO(P) No.08/2017/Tran dtd 23/03/2017, permits issued up to 14/07/2009 on notified route overlapping more than 5km or 5% of the route length, are categorized as saved permit and further variation or extension on these saved permits cannot be allowed under any circumstances. In this case, the permit is belongs to the classification of saved permit and hence any variation on the permit cannot be allowed.

In view of the aforesaid facts and circumstances of legal impediments, request for concurrence is hereby rejected.

**Item No.57**

Heard the applicant. This is the request of the registered owner of stage carriage KL-07-CD-9438 for revoking the sanction given by this authority on 17/05/2017 granting temporary permit on the route Eloor- Methanam-Vyttila-Kakkanad - Koonammavu as ordinary moffusil service. Considering

the request of the grantee of temporary permit, this authority hereby revoke the sanction for grant of temporary route Eloor- Methanam- Vyttila-Kakkanad – Koonammavu in respect of stage carriage KL-07-CD-9438.

**Item No.58**

This item is to ratify the acceptance of Surrender and cancellation of regular permit issued to stage carriage KL-05-V-3753 on the route Trippunithura-Ramamangalam by the Secretary RTA. The action taken by the secretary RTA is hereby ratified and the regular permit 7/4115/2014 issued to stage carriage KL-05-V-3753 on the route Trippunithura- Ramamangalam is cancelled.

**Item No.59**

This item is to ratify the acceptance of Surrender and cancellation of regular permit issued to stage carriage KL-07-AT-4410 on the route Aluva- Amrutha Hospital by the Secretary RTA. The action taken by the secretary RTA is ratified and the regular permit 7/3741/2014 issued to stage carriage KL-07-AT-4410 on the route Aluva- Amrutha Hospital is hereby cancelled.

**Item No.60**

This is the recommendation of the Deputy Transport Commissioner, CZ-II,Ernakulam for taking action on regular permit issued to stage carriage KL-05-M-5366 on the route Kurisumudi- Elanthikkara in connection with the non operation of service after availing the regular permit. The permit holder was absent. On perusal of the records, this authority revealed that the vehicle KL-05-M-5366 is not operating service with effect from 28/01/2016. As the regular permit issued to the above vehicle is valid up to 21/03/2009, the permit holder is liable to operate service during the currency of the regular permit. Therefore the non operation of service during the entire period of validity will be attracted punishment Under Rule 152 of KMV Rules-1989. Hence the Secretary RTA is directed to issue show cause notice to the permit holder by registered post with due acknowledgement and place the matter in the next sitting without fail. Hence adjourned.

**Item No.61**

Perused the judgment of Hon'ble High Court of Kerala in W.A No.531/2014 dtd 15/06/2016. This is the issue with regard to the non production of records of the stage carriage KL-17-E-5454 for availing granted renewal of permit on the route Kodungalloor-Eloor Ferry with effect from 05/08/2014.

This authority in the sitting held on 05/08/2014 vide item No.44 considered the application for the grant of renewal of regular permit filed by Smt.Reshma in respect of her stage carriage KL-17-E-5454 on the route Kodungallur- Eloor Ferry and granted the renewal of regular permit with effect from 28/06/2014. Thereafter, on 14/10/2014, the decision was communicated by the Secretary RTA with direction to produce current records of the vehicle within a period of one month from the date of despatch of the proceedings, failing which the sanction is liable to be revoked without further notice. But the grantee had not produced current records of the vehicle within for months or till date.

Sub-rule[2] of Rule 159 requires that an applicant shall within one month of the sanction of the application or such longer period or periods not exceeding four months in aggregate as the authority may specify, produce the certificate of registration of the vehicle. In this case, the permit granted on 05/08/2014 and the records of the vehicle KL-17-E-5454 is not produced even after the laps of long three more years. Hence the the sanction of renewal of permit dtd 05/08/2014 is liable to be revoked and the regular permit itself is also to be cancelled due to the non operation of service. The permit holder was absent in the sitting even after notice issued by the Secretary RTA.

Moreover ,vide reported decision in 2003[3]KLT 357 and 2015[3]KLT 555, the Hon'ble High Court of Kerala has clearly specified that ,if current records are not produced within four months from the date of communication of grant of permit by the grantee, then the permit shall stand cancelled without the RTA requiring to cancel it as that is the necessary consequence of the operation of the condition of permit granted under S.72[2] read with R.159[2].

In these circumstances, the sanction of grant of renewal of permit is hereby revoked and the regular permit 07/10086/2004 issued to stage carriage KL-17-E-5454 is cancelled.

### **Item No.62**

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.31352/2017 .

2. Heard; Adv.G.Prabhakaran. the learned counsel represented the permit holder Sri.T.G.Satheesan. This is the issue related to the replacement of the

vehicle KL-39-A-6822 with an older model stage carriage KL-17-7173. This authority in the earlier sitting held on 15/07/2017 denied the replacement of the vehicle with older model vehicle as there is violation of Rule 174 of KMV Rules-1989. Now ,in the light of judgment in W.A No.1466/2017 , the Hon'ble high Court of Kerala vide judgment in WP© No.31352/2017, directed this authority to reconsider the application without considering the model of the incoming vehicle.

In the light of direction issued by the Hon'ble High Court of Kerala in W.A No.1466/2017 and WP© No.31352/2017, replacement of the stage carriage KL-39-A-6822 with stage carriage KL-17-7173 is allowed ,if the incoming vehicle is road worthiness and similar in nature with the old vehicle.

### **Item No.63**

This is the recommendation of the Police Authority and the Secretary RTA Ernakulam to take action against regular permit issued to stage carriage KL-07-AU-5907 on the route Aluva- Fort Kochi involved in the accident due to the rash, negligent and dangerous driving of the vehicle by a person having no driving licence to operate such class of vehicle. This authority heard;Adv.Stalin Peter Davis, the learned counsel represented the permit holder of stage carriage KL-07-AU-5907. He has intimated that all the issues were settled by the permit holder and requested not to take any action against the permit holder.

This authority considered the issue in detail.The Deputy Superintendant of Police, Special Branch, Ernakulam has intimated vide letter dtd 30/10/2017 that the stage carriage KL-07-AU-5907 was involved in an accident on 30/10/2017 at Aluva Bus Stand. They have also intimated that the stage carriage in question was driven by the cleaner of the vehicle, who is not authorized to drive any kind of vehicle and he has driven the vehicle in to a mobile shop in a dangerous manner causing dangerous situation and damage to the public property. The enquiry officer of the Secretary, Regional Transport Officer has also reported the situation of driving of stage carriage by an unauthorized person in rash,negligent and dangerous manner and reported the violation of Rule 153[1] of KMV Rules-1989.

**Rule 153 of KMV Rules-1989- It shall be a condition of the permit of every transport vehicle, that the holder thereof.- (1) shall ensure that the**

*vehicle is driven only by a driver duly authorized in this behalf by the Act and the rules issued there under*

*(2) shall exercise effective supervision over the work of all his employees to ensure operation of the vehicle in conformity with the Act and the rules issued there under,*

*(3) shall be responsible for the conduct of the driver and other employees.*

**Rule 153 A.** *Permit holder to furnish details of the persons employed in his stage carriage- Every holder of a stage carriage permit shall furnish to the authority issuing the permit up to date details regarding the name, address, designation and duties of the persons employed by him in the said stage carriage.*

Considering the above provisions of the Rule 153 of KMV Rules-1989, the permit holder has not ensured that his vehicle is driven by *duly authorized person by the Act and the rules issued there under* and *Violated all the conditions stipulated under subsection(1) to (4) of Rule 153. Therefore the permit holder violated the conditions attached to the permit. Therefore, action on permit U/S 86 of MV Act is required.*

This authority considered the request of the learned Counsel represented the permit holder seeking exemption from the punishment. as the case is already settled by him. The version cannot be accepted and the settlement between the affected parties will not exclude from the responsibility of the permit holder stipulated U/R 153 of KMV Rules-1989. Hence the request cannot be accepted.

Therefore this authority is decided to suspend the regular permit issued to stage carriage KL-07-AU-5907 for a duration of 30 days with effect from 15/12/2017.

**Item No.64**

Heard; Adv.Gopinathan Nair, the learned counsel represented the permit holder Sri.T.B.Kabeer. This is the delayed application for the replacement of the vehicle KL-07-AJ-8267 with another stage carriage KL-04-AT-4410 owned by the permit holder consequent to the completion of 15 years by the route bus.The regular permit issued to stage carriage on the route was expired on 26/02/2014 and the application for the renewal of permit is pending for the clarification Government with regard to the operation of private stage carriages on Aluva- Vadakkumpuram complete exclusion

scheme. At present the permit holder is operating service with temporary permit issued U/S 87[1]d of MV Act. Considering the request of the permit holder, delay in filing application for the replacement of vehicle is condoned. The Secretary RTA is entrusted to consider and dispose the application for the replacement in accordance with Rule 174 of KMV Rules 1989 and connected judgments of Hon'ble High Court of Kerala in this regard.

**Item No.65**

Heard; all affected parties including permit holders, Officials representing Water Authority and public. This is the issue related to the restriction of heavy vehicles and stage carriages through the Pipe Line Road, Aluva. This authority considered the matter in detail and heard versions of all parties. The Assistant Executive Engineer of Kerala Water Authority, P.H Sub Division, Aluva has intimated that operation of heavy vehicles and stage carriages through Pipe Line Road cause damages to the Manhole cover and hence there is a chance to cause damages to the big water carrying pipes under high pressure and which may lead to loss of human life and destruction of surrounding places and also cause prevention of drinking water supply to Kochi City and major portions of Ernakulam District. Hence they have requested to cancel all permits issued to stage carriages through pipe line considering the safety of the public and to avoid a big tragedy. They have also intimated that large number of heavy goods vehicle are plying through the pipe line road in addition to stage carriage operation.

A large number of public representations were here in the sitting requesting not to cancel existing services through the pipe line since the action sought by the water authority will deny the travelling public residing near to pipe line road and the school children, as more than fifteen school buses are operating through the route portion in question. Hence they have requested to retain the existing travelling facility considering the interest of public.

On perusal of the records submitted by the Secretary, RTA, regular permits had been issued to more than four stage carriages through the pipe line road in question in the light of road fitness certificate issued by the PWD Authority . These stage carriages are being operated service for the last ten years. The Water authority had not objected the grant of permit through

the pipe line road and no objections were lodged within the above period of operation against the operation of stage carriages.

This authority of considered opinion that the argument of the Water Authority has very importance considering the safety of public and to avoid a disaster. But at the same time, the public enjoying travelling facility will deprive the benefit accrued by them ,if the operation of vehicles through the pipe line road is banned. Abrupt withdrawal or restriction of existing stage carriage service through the route portion in question without providing alternative way of travel will deny the travelling facility of the public. Therefore, this authority hereby decide to

1. Permit the existing stage carriage services to continue operation to cater the need of travelling public and students
2. Prohibit the grant of new permits or variation of permit to stage carriages through the pipe line road.
3. Prohibit the movement of heavy vehicles and all other goods vehicles except existing stage carriages through pipeline road .
4. The Secretary RTA is directed to conduct an enquiry for ascertaining whether there is any alternative way for the operation of stage carriages to avoid service through pipe line road.

**Item No.66**

This is the recommendation of the Police Authority and the Secretary RTA Ernakulam to take action against regular permit issued to stage carriage KL-41-A-9467 on the route Aluva- Fort Kochi involved in the accident due to the rash, negligent and dangerous driving of the vehicle by a person having no driving licence to operate such class of vehicle. This authority heard; Adv. Jithesh Menon, the learned counsel represented the permit holder of stage carriage KL-41-A-9467. He has requested not to take any action against the permit holder.

This authority considered the issue in detail. The Deputy Superintendent of Police, Special Branch, Ernakulam has intimated vide letter dtd 30/10/2017 that the stage carriage KL-41-A-9467 was involved in an accident on 30/10/2017 at Aluva in front of St. Francis College. They have also intimated that the stage carriage in question was driven by the cleaner of the vehicle, who is not authorized to drive any kind of vehicle and he has driven the vehicle in a dangerous manner and which resulted in the death of

an innocent scooter rider. The enquiry officer of the Secretary, Regional Transport Officer has also reported the situation of driving of stage carriage by an unauthorized person in rash, negligent and dangerous manner and reported the violation of Rule 153[1] of KMV Rules-1989.

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

*(1) shall ensure that the vehicle is driven only by a driver duly authorized in this behalf by the Act and the rules issued there under*

*(2) shall exercise effective supervision over the work of all his employees to ensure operation of the vehicle in conformity with the Act and the rules issued there under,*

*(3) shall be responsible for the conduct of the driver and other employees.*

**Rule 153 A.** *Permit holder to furnish details of the persons employed in his stage carriage- Every holder of a stage carriage permit shall furnish to the authority issuing the permit up to date details regarding the name, address, designation and duties of the persons employed by him in the said stage carriage.*

Considering the above provisions of the Rule 153 of KMV Rules-1989, the permit holder has not ensured that his vehicle is driven by *duly authorized person by the Act and the rules issued there under* and *Violated all the conditions stipulated under subsection(1) to (4) of Rule 153. Therefore the permit holder violated the conditions attached to the permit. Therefore, action on permit U/S 86 of MV Act is required.*

This authority considered the request of the learned Counsel represented the permit holder seeking exemption from the punishment. The version cannot be accepted since the permit holder cannot be excluded from his responsibilities stipulated U/R 153 of KMV Rules-1989. Hence the request cannot be accepted. The Secretary RTA issued show cause notice to the permit holder in this regard, but he has not offered explanation till date ,even after notice was acknowledged on 10/11/2017.

The learned counsel represented the permit holder Sri.K.M.Navas, Karippayi House, Choornikkara ,Thaikkattukara has intimated that the Regional Transport Authority in its sitting held on 26/5/2015 granted

transfer of permit in respect of stage carriage in question in to the name of Sri.Aliyar,Muringassery House, Edathala.P.O, Aluva and hence the vehicle and permit are not in his possession and requested to exempt him from further action.

This authority verified the file with regard to the above argument. On perusal of the file, it is clear that on 26/05/2015, Regional Transport Authority allowed transfer of permit in to the name of Sri.Aliyar,Muringassery House, Edathala.P.O, Aluva and directed the permit holder Sri.K.M.Navas to produce records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules -1989 for proceed further in that regard.But, the permit holder had not produced records to effect the granted transfer within a period of one year. Subsequently Regional Transport Authority in its sitting held on 17/08/2016 revoked the sanction of transfer of permit and the permit holder was intimated the matter .Therefore there is no change of possession of stage carriage KL-41-A-9467 was made as per this office records. Hence,the version of the learned counsel is not sustainable and Sri.K.M.Navas,Karippai House, Thaikkattukara ,the permit holder of the vehicle in question is responsible for the violation of Rule 153 of KMV Rules.

Considering the gravity of offence and irresponsibility of the permit holder, this authority is decided to suspend the regular permit issued to stage carriage KL-41-A-9467 for a duration of 30 days with effect from 15/12/2017.

The Secretary RTA is entrusted to initiate necessary steps to take action on regular permit ,if there is unauthorized transfer of possession of vehicle and permit were made by the permit holder.

**Item No.67**

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder Sri.Mohan. This is the application for the replacement of the vehicle KL-07-AK-644 with another stage carriage KL-07-AW-6667 consequent to the completion of 15 years by the route bus. The Secretary RTA has intimated that even after application for the replacement is filed on 09/10/2017, the permit holder has not produced records of the vehicle for endorsing replacement. Considering the request of the learned counsel represented the permit holder time up to 17/12/2017 is allowed for the

production of current records of suitable vehicle for the replacement, failing which the sanction will be revoked and the regular permit became invalid.

**Item No.68**

Heard; Adv.Jithesh Menon, the learned counsel represented the permit holder Sri.K.M.Navas, Karippai House, Choornikkara,Thaikkattukara.The Secretary RTA has recommended to take action on pending check report booked against the stage carriage KL-41-B-1691 covered by a valid regular permit for the curtailment of trip during peak hours. This authority considered the matter in detail. On 16/10/2015, at 4.27 PM, the field officer of the Motor Vehicles Department had booked a check report against stage carriage KL-41-B-1691 at Thaikkattukara for the curtailment of trip to Ernakulam. The enquiry officer explained that there was no mechanical defect detected and the permit holder wilfully curtailed trips making hardship to the travelling public.

The permit holder in his reply to the issued charge memo explained that there was a complaint in Brake Diaphragm of the vehicle and there was no wilful curtailment of service as reported by the field officer and also explained that as there was a hospital case, the driver of the vehicle was incapable of taking duty.

As there were large number of complaints against the curtailment of trips and route violation of stage carriages in Aluva Sector, the Hon'ble Human Rights Commission of Kerala vide order in HRMP No.10288/2016, has directed the authority to make the inspection more effective against the stage carriages in the Aluva sector.The enquiry officer has booked check report in the light of above direction and specified that as there was no mechanical defect ,the permit holder purposefully curtailed the trips.This authority is of the considered opinion that as the permit holder violated the permit condition, and he was punished earlier for the same irregularity, action on permit U/S 86 of MV Act-1988 is required for not repeating the offence in future.

Therefore, this authority is hereby suspended the regular permit issued to stage carriage KL-41-B-1691 for a duration of 30 days from 15/12/2017. The permit holder is given an option to compound the offence by remitting Rs.5000/- before 13/12/2017, in lieu of suspension of permit.

**Item No.69**

Heard; the applicants. This authority considered the matter in the light of direction issued by the Hon'ble High Court of Kerala vide judgment in WP(C) No.33444/2017 dtd 20/10/2017. This is the applications for the variation of permit by changing the allotted parking place to Angamaly municipal limit. This authority considered the applications in detail. On perusal of the file, it is evident that, as there is no sufficient space available at Angamaly Town to permit the parking place to autorickshaw, the grant of new autorickshaws with parking place Angamaly is restricted. The representatives of Angamaly Municipality has also objected the grant of parking place at Angamaly Town stating that, no sufficient space available at Angamaly town to extent the parking of autorickshaw and no space is available at existing parking place to accommodate additional vehicles.

This authority considered the matter and reveals that, there is no place provided by the Angamaly Municipality for the parking of additional autorickshaws and the grant of further permits to autorickshaws with parking place at Angamaly will increase the traffic congestion.

In view of the aforesaid circumstances, the applications for changing the parking places in the already issued permit by variation of permit condition are hereby rejected.

**Item No.70**

All actions taken by the Secretary RTA on behalf of the Regional Transport Authority Ernakulam are hereby ratified.

**Item No.71**

No Items

**Item No.72**

Next sitting on 20/01/2018

**Supplementary Item No.01**

1. Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.32767/2017 dtd 02/11/2017

2. Heard; Adv. Jithesh Menon, the learned counsel represented the applicant Sri. Abdul Rahmakutty. This is the application for the grant of fresh inter district regular permit in respect of stage carriage KL-38-E-9425 of 2016 model on the route Azheekode Jetty- North Parur- Vyttila Hub via Eriyad Block, Moothakunnam, Munambamkavala, Koonammavu, Varappuzha Bridge, Edappally and Palarivattom Bypass as ordinary motor service.

This authority in its earlier sitting held on 17/08/2016 considered the application and sought prior concurrence of the sister authority RTA Thrissur U/R 171 of KMV Rules-1989. Thereafter, the RTA Thrissur has given concurrence for the grant of regular permit. Subsequently, this authority considered the application in the sitting held on 15/07/2017 and as there was objection raised against the grant of permit stating that the concurrence granted by the RTA Thrissur was not on the applied route and alleged that the route on which regular permit is applied is objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 ,this authority sought clarification from the Secretary RTA Thrissur.

Now, the Secretary RTA Thrissur has intimated that the route enquiry officer has reported that the applicant has not specified exact line of travel from V.P Thuruth to Azheekode Jetty as there is different routes exist to reach Azheekode Jetty from V.P.Thuruth. Hence the enquiry officer has requested to direct the applicant to furnish intermediate points, Important Places and stops for determining the exact route length and objectionable overlapping on notified route.

Vide judgment in WPC No.32767/2017 dtd 02/11/2017, the Hon'ble High Court of Kerala has directed this authority to consider the application in this sitting itself,taking in to account concurrence already granted by the RTA Thrissur and attain finality within a time frame,if there is no other legal impediments.

On consideration of the report of the Secretary RTA Thrissur and route enquiry officer, this authority is of opinion that the grant of permit without ascertain the exact route detail may violate the scheme of nationalization . Therefore, there is legal impediment to dispose the application within the time limit specified by the Hon'ble Court. Therefore,

- 1.The applicant is directed to furnish the proposed line of travel with intermediate places and important places so as to make a route enquiry.
- 2.The Secretary RTA is directed to seek further route enquiry from the Secretary RTA Thrissur on submission of details by the applicant.

Hence adjourned.

**Supplementary Item No.02**

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant Sri.Muhammed Rafi. The Secretary RTA has sought clarification with regard to the issue of granted temporary permit in favour of Sri.Muhammed Rafi on the route Parambayam- Infopark South gate by this authority in the sitting held on 15/07/2017. After the grant of temporary permit, there was a delay in production of records of the suitable vehicle by the grantee of temporary permit and hence the settlement of timings and issue of permit was pending. Recently, the Hon'ble High Court of Kerala vide judgment in WP(C) No.30359/2017 dtd 17/10/2017 pronounced that a person seeking permanent permit clearly shows that the requirement is not temporary which are the conditions stipulated under section 87[1]a.[b],[c]. The requirement being permanent, section 87[1]a.[b],[c] are not attracted all. In this case, as per the report of enquiry officer, the requirement is permanent and the grant of temporary permit for a shortest duration will not fulfil the travelling need of public.

Considering the findings and observations rendered by the Hon'ble High Court of Kerala in WP(C) No.30359/2017 dtd 17/10/2017, if the granted temporary permit is issued, it will be the violation of direction of Hon'ble Court and the issue of permit may also attracted to the contempt of court.

In view of the findings of Hon'ble High Court of Kerala in WP(C) No.30359/2017 dtd 17/10/2017, the order issued by this authority granting temporary permit on the route Parambayam- Infopark South Gate in favour of Sri. Muhammed Rafi is hereby recalled.

However. The applicant is free to apply for the grant of permanent permit on the applied route in accordance with the rule and direction issued by the State Transport Authority with regard to the age of the stage carriages.

### **Supplementary Item No.03**

Heard; Adv.Stalin Peter Davis, the learned counsel represented the grantee of regular permit. This is the request of the Secretary RTA seeking clarification as to whether the granted regular permit can be issued to the offered by the grantee possessed under lease agreement.

This authority considered the matter in the light of existing Motor Vehicles Act and Rules made there under. There is no restriction imposed in

the MV Act and rule to issue permits in respect of vehicles possessed under lease agreement .

Therefore the Secretary RTA is entrusted to issue granted permit, if the grantee possessed the vehicle for a period not below the validity of permit to be issued.

**Supplementary Item No.04**

Heard ;Adv.M.R Rajendran Nair, the learned counsel represented the Ant-Corruption Peoples Movement, the representatives of the Private Bus Operators Association and the representatives of residents associations.

A lot of representations have been received seeking permission to operate stage carriage services through Banerji Road instead of St.Benedict Road. The private Bus Operators Association Ernakulam has also requested the same relief stating that consequent to the completion of Kochi Metro Rail Works, the congested road portions of Banarji Road became more widened and hence the stage carriages can easily ply through the Banarji Road than the congested existing operating St.Benadict Road.

This authority considered the issue in detail.

It is true that stage carriages issued with regular permit via Banarji Road were temporarily deviated through St.Benedict Road before long fourteen years considering the heavy traffic obstruction on the North Railway Over Bridge and when the Banarji Road could afford only two lane traffic. After a very long period of fourteen years, the traffic density became too high and which resulted in the heavy traffic congestion in the Kochi City limit. In that situation, works related to the Kochi Metro Rail Project are almost completed in the Banarji Road portion and hence some portions of the road became more widened than the earlier. Hence the request for rerouting of stage carriages through Banarji Road instead of existing operation through St.Benedict Road.

As the traffic rearrangements were made by the Police authorities, this authority sough opinion of the police authorities, who are the authority controlling the traffic in the Kochi City. The Assistant Commissioner of Police, Traffic West , Kochi City has strongly objected the request for rerouting of stage carriages through Banarji Road due to the following reasons.

1.Average 1468 stage carriages are operating through Kacherippady Jn in tn between 8.00 AM and 8.00.P.M.That means more than three buses are passing in a minute.

2.At present, no bus bays are provided in the Banarji Road for the stoppage of three to four buses at a stretch. Hence ,if the operation of stage carriages through Banarji Road is permitted, the crews are compelled to stop the vehicles in the left track of the Banarji Road and the movement of vehicles in the right track will create heavy traffic blocks at Pharmacy Jn, which will reflect also in the MG Road and up to High Court Jn.

3.Existing road portion before Kacherippady Town Hall, is seen too dip and single lane traffic alone is possible through the route portion.

In view of the above findings, the Police Authorities have requested not to permit the operation of stage carriage service through Banarji Road without providing bus bays and other basic infrastructure including the removal of all projected structures, widening of road with four line traffic systems and maintenance of entire road portion in the Banarji Road.

This authority has also identified the above reported factors and arrived at in a conclusion that without providing bus ways, bus stops and all other features and infrastructures for the free flow of the vehicles, operation of stage carriages through Banarji Road cannot be allowed.

Therefore, the Traffic Police Authority ,Traffic west,Kochi City is directed to submit a detailed proposal in this regard with changes required for the free flow of stage carriages through the Banarji Road in consultation with the concerned authority of Public and Road works ,Corporation of Cochin and Traffic Advisory Committee without delay.

considering the aspects of road safety and increased traffic congestion, existing deviation of stage carriages through St.Benedict Road will be continued till the submission and approval of the proposal .

#### **Supplementary Item No.05**

1.Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.31372/2017 dtd 09/11/2017, wherein the Secretary RTA is directed to grant provisional transfer in respect of stage carriage KL-05-AA-8474 on the route Kottayam-Perikkalloor within a time frame and directed this authority

to consider the application for the renewal of permit thereafter within a period of six weeks.

2.Heard; Adv.G.Prabhakan, the learned counsel represented the applicant.He has requested to endorse the transfer of permit provisionally as ordered by the Hon'ble Court.

This authority considered the matter in detail.

The Secretary RTA is entrusted to endorse the transfer of permit provisionally as directed by the Hon'ble Court and thereafter place the application for the renewal of permit in the next open sitting of this authority proposed to be held on 20/01/2018.

Sd/- Chairman & Members