

**DECISION OF REGIONAL TRANSPORT AUTHORITY MUVATTUPUZHA  
HELD ON 23-03-2019**

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**Present:(1)Sri. Mohammed. Y . Safirulla. I.A.S- District Collector & Chairman  
RTA - Muvattupuzha.**

**(2)Sri. Shaji Joseph- Deputy Transport Commissioner-CZ-II,  
Ernakulam &Member RTA- Muvattupuzha**

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**Item No-01**

Heard the learned counsel Adv. Jithesh Menon represented the applicant Sri Ajmal Latheef and Adv. K V Gopinathan Nair represented the objector.

This is an application for the grant of fresh regular permit in respect of a new or suitable model stage carriage with seating capacity not less than 34 in all to operate on the route Kothamangalam - Aluva (Via) Odackaly , Kuruppampady, Perumbavoor and South Vazhakulam as ordinary moffusil service.

This authority considered the matter in detail. The proposed route is an intra district route having route length of 38 km . The application has been considered in the meeting dated 24/11/2018 and adjourned for want of exact distance of overlapping. Now it is reported that , the route overlaps a distance of 1.5 Km from Kalady jn to Palakattuthazham and 0.5 from Aluva Pump Jn to Aluva KSRTC bus station with the notified scheme Aluva- Kattappana, thus a total overlapping of 2 kms. The learned counsel of the objector contended that the proposed route overlaps more than 2 kms and it will exceed the permissible limit of overlapping.

As per clause 5(c) of GOP No 08/2017/Tran dated 23/03/2017, "the private stage carriages of other routes are permitted to overlap 5 Kms or 5% of the length of their own routes which ever is less on the notified routes for purposes of inter section as per the scheme published" . The total route length in the instant case covered by the permit sought for is 38 Kms and 5% of the same extends to 1.9 km and the alleged overlapping is in excess by 100 meters .

Hence the application for fresh permit to operate on the route Kothamangalam - Aluva is rejected since it violates GO(p) No 08/2017/Tran dated 23/03/2017.

**Item No-02**

Heard Adv. K V Gopinathan Nair, the learned counsel represented the applicant Sri Biju K O and counsels of objectors. This is an application for the grant of fresh regular permit in respect of a new or suitable stage carriage with seating capacity not less than 48 in all to operate on the route Paniely- Vyttila Hub (Via) Kombanad, Kuruppampady, Perumbavoor, Chemberakky, Pukkattupady, Kangarappady, Kakkanad and Pipeline return trip (Via) Kakkanad, Infoparak, Edachira, and 2<sup>nd</sup> trip (Via) South Vazhakulam, cochin Bank , NAD, Edappally toll Jn as ordinary service . This authority considered the application in the meeting dated 24/11/2018 and adjourned for want of exact distance of overlapping .

It is reported that there is an overlapping 1.5 Km from Kalady Jn to Palakattuthazham with the notified scheme Aluva- Kattappana and 500 mtrs overlapping from Edappally Signal Jn to Edappally toll Jn with Trivandrum-Palakkad scheme.

This authority considered the matter in detail. The proposed route is an intra district route having route length of 88 km and the total distance of overlapping is 02 km.

The distance of overlapping is within the permissible limit of overlapping as preferred in the GO(p) No 08/2017/Tran dated 23/03/2017. Objections are mainly related with proposed timings . In this circumstances this authority feels no other legal impediments for the grant of a fresh permit on the applied route. Hence fresh regular permit granted on the route Paniely- Vytila Hub to a suitable stage carriage with seating capacity 48 in all and not older than 8 years from the date of registration, subject to settlement of timings as per D3 2813/STA/2013 dtd 21/04/2018 circular.

### **Item No-03**

Heard the learned counsel Adv. Jithesh Menon represented the applicant Sri Sulfikker and Adv. K V Gopinathan Nair represented the objector. This is an application for the grant of fresh regular permit in respect of a new or suitable model stage carriage with seating capacity not less than 34 in all to operate on the route Kothamangalam- Aluva(Via) Odackaly, Kuruppampady, Perumbavoor and South Vazhakulam as ordinary moffusil service.

This authority considered the matter in detail. The proposed route is an intra district route having route length of 38 km . The route overlaps a distance of 1.5 Km from Kalady jn to Palakattuthazham and 0.5 from Aluva Pump Jn to Aluva KSRTC bus station with the notified scheme Aluva- Kattappana, thus a total overlapping of 2 kms. The learned counsel of the objector contended that the proposed route overlaps more than 2 kms and it will exceed the permissible limit of overlapping.

As per clause 5(c) of GOP No 08/2017/Tran dated 23/03/2017, "the private stage carriages of other routes are permitted to overlap 5 Kms or 5% of the length of their own routes which ever is less on the notified routes for purposes of inter section as per the scheme published" . The total route length in the instant case covered by the permit sought for is 38 Kms and 5% of the same extends to 1.9 km and the alleged overlapping is in excess by 100 meters .

Hence the application for fresh permit to operate on the route Kothamangalam - Aluva is rejected since it violates GO(p) No 08/2017/Tran dated 23/03/2017.

### **Item No-04**

Heard Adv. Sajeevkumar K Gopal, the learned counsel represented the applicant Sri K U Sulfikkar, and Adv G Prabhakaran , the learned counsel represented the objector. This is an application for the grant of fresh regular permit in respect of S/c KL 40 K 4145 or suitable stage carriage with seating capacity not less than 38 in all to operate on the route Vadattupara- Perumbavoor (Via) Meerancity,

Bhoothathankettu, Chelad, Kothamangalam Odackaly and Kuruppampady as ordinary service .

This authority considered the matter in detail. The proposed route is an intra district route having route length of 43 km and the total distance of overlapping is 500 metres. The distance of overlapping is within the permissible limit of overlapping as preferred in the GO(p) No 08/2017/Tran dated 23/03/2017. Objections are mainly related with proposed timings . In this circumstances this authority feels no other legal impediments for the grant of a fresh permit on the applied route. Hence fresh regular permit granted on the route Vadattupara- Perumbavoor to S/c KL 40 K 4145 or suitable stage carriage with seating capacity not less than 38 in all as ordinary service subject to settlement of timings as per D3 2813/STA/2013 dtd 21/04/2018 circular.

#### **Item No-05**

Heard the learned counsel Adv. Jithesh Menon represented the applicant Sri Nishad and Adv. K V Gopinathan Nair represented the objectors.

This is an application for the grant of fresh regular permit in respect of a new or suitable model stage carriage with seating capacity not less than 33 in all to operate on the route Malayidamthuruthu- Kothamangalam – Aluva (Via) Odackaly , Perumbavoor and South Vazhakulam as ordinary service . The proposed route is having a route length of 40 km and there is a total overlapping 2.0 Km with the notified scheme Aluva- Kattappana.

This authority considered the matter in detail. Very strong objections were raised by other en route operators alleging that the intention of the applicant is to concentrate the service between Aluva and Perumbavoor the places having sufficient stage carriage services at present . It is also suspected that the intention behind the inclusion of Malayidamthurauthu in the route proposal is only to increase the route length so as to keep the distance of overlapping within the permissible limit as preferred in the GO(p) No 08/2017/Tran dated 23/03/2017

Hence Secretary RTA is instructed to obtain a modified proposal from the applicant at least two more trips towards Malayidamthuruthu, the ill served area of the route and place the matter in the next meeting . Hence adjourned.

#### **Item No-06**

Heard Adv K T Raveendran ,the learned counsel represented the applicant Sri TM Pareekunju , counsels of objectors and perused the Judgment of hon'ble High Court in WP(c) 6828 of 2019. This is an application for the grant of fresh regular permit in respect of a new or suitable stage carriage with seating capacity not less than 28 in all to operate on the route West Morakkala- Aluva (Via) Kizhakambalam, Pukkattupady as ordinary service .

This authority considered the matter in detail. The proposed route is an intra district route having route length of 17 km . The field officer reported that there is an overlapping of 1 km from Aluva pump Jn to Aluva Town with the notified scheme

Aluva- Kattappana. But the overlapping distance from is not seen same in the fresh permit applications included in the agenda , hence the report is not seen specific regarding objectionable overlapping .

Also certain en route operators contended that the overlapping distance at Aluva is seen different with that of the existing permits. Hence this authority feels that the distance of overlapping shall be ascertained afresh. Secretary RTA shall ascertain the actual distance of objectionable overlapping . Hence adjourned.

#### **Item No-07**

**A)** Heard Adv. Jithesh Menon ,the learned counsel represented the applicant Sri Santhosh M K. This is a request for condonation of delay for submitting the renewal of permit application in respect of S/c KL-40 K 9099 to operate on the route Perumbavoor- Kothamangalam as Ordinary moffusil service. This authority satisfied the explanation of the applicant and request allowed.

**B)** This is an application for renewal of regular permit in respect of stage Carriage S/C KL-40 K 9099 to operate on the route Perumbavoor- Kothamangalam as Ordinary moffusil service.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file .This is an intra district route having route length 18 km and there is an overlapping of 500 metres at Perumbavoor town with Aluva- Kattappana scheme .The regular permit was issued on 28/01/2009 and this authority feels no legal impediments to renew the permit for continuous operation.

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL-40 K 9099 to operate on the route Perumbavoor- Kothamangalam as ordinary moffusil service.

#### **Item No-08**

**A)** Heard Adv. Sajeev kumar K Gopal ,the learned counsel represented the applicant Smt Anitha. This is a request for condonation of delay for submitting the renewal of permit application in respect of S/c KL-02 R 6066 to operate on the route Njarakkad- Piravom as Ordinary moffusil service. This authority satisfied the explanation of the applicant and request allowed.

**B)** This is an application for renewal of regular permit in respect of stage Carriage S/C KL-02 R 6066 to operate on the route Njarakkad- Piravom as Ordinary moffusil service.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file . This is an intra district route having route length 48 km and there is an overlapping of 2 km from BOC Jn to 130 Jn at Muvattupuzha with Aluva- Kottayam scheme. The regular permit was issued on 02/03/2004 and this authority feels no legal impediments to renew the permit for continuous operation.

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL-02 R 6066 to operate on the route Njarakkad- Piravom as ordinary moffusil service.

**Item No-09**

A) Heard Adv. Sajeev kumar K Gopal ,the learned counsel represented the applicant Smt Anitha. This is a request for condonation of delay for submitting the renewal of permit application in respect of S/c KL-17 F 5022 to operate on the route Avolichal- Muvattupuzha as Ordinary moffusil service. This authority satisfied the explanation of the applicant and request allowed.

B) This is an application for renewal of regular permit in respect of stage Carriage S/C KL-17 F 5022 to operate on the route Avolichal- Muvattupuzha as Ordinary moffusil service.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file .

This is an intra district route having route length 36 km and there is an overlapping of 2 km from BOC Jn to Private bus stand at Muvattupuzha with Aluva- Kattappana scheme. The regular permit was issued on 05/12/2003 and this authority feels no legal impediments to renew the permit for continuous operation.

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL-17 F 5022 to operate on the route Avolichal- Muvattupuzha as ordinary moffusil service.

**Item No-10**

Heard Adv. G Prabhakaran, the learned Counsel represented the applicant Sri Boby Peter and objectors. This is an application for variation of regular permit in respect of S/C KL 07 BE 3082 operating on the Karimkunam –Ernakulam. The permit is intend to be varied as Karimkunnam- Ernakulam by Changing the halting place from Mulamthuruthy to Piravom and desired to extend the route from Vazhithala to Thodupuzha by curtailing the route portion from Vazhithala to Karimkunnam. The applicant also intend to deviate the route from Kurekkad to Mulamthuruthy (Via) Kandanad, Vazhaparambu in stead of (Via) Chottanikkara in trips from Kaloor to Piravom .

This authority considered the application in the light of the report of route enquiry officer , existing Government notifications and objections raised by KSRTC. In the variation application the permit holder intend to extend the route from Vazhithala to Thodupuzha by curtailing the route portion from Vazhithala to Karimkunnam. He is also intend to deviate the route from Kurekkad to Mulamthuruthy (Via) Kandanad, Vazhaparambu in stead of (Via) Chottanikkara in trips from Kaloor to Piravom .

The field officer reported that the proposed curtailment from Vazhithala to Karimkunnam will adversely affect the travelling public since the route of extension is more well served than the curtailed portion. Further an objection against the proposed deviation was received from the President of North Eruvely residents

association stating that they are suffering with lack of transportation facility at present and the proposed deviation will make the condition more pathetic.

In addition to the existing overlapping of 11 kms, it is reported that there is an additional overlapping of 1.5 km from Kolani to Thodupuzha with Kottayam-Kattappana scheme in the variation portion.

Clause 19 of GO(p) No 08/2017/Tran dated 23/03/2017 restricts the additional overlapping of private stage carriages on notified routes.

This authority feels that interest of the public is the main factor for the grant of a variation on existing regular permit. Withdrawal of the trip towards an ill served area will adversely affect the passengers. The existing benefits enjoyed by the public shall not be deprived off consequent to the variation of the permit. In these circumstances, the proposed variation is not maintainable. Hence rejected.

#### **Item No-11**

Heard the applicant Sri Hassankunju and perused the connected file. This is an application for variation of regular permit in respect of S/C KL 28 B 1217 operating on the Perumbavoor–Ernakulam. The permit is intend to be varied by introducing one trip up to Lakeshore Hospital (Via) Mini Bypass and one evening trip up to Maradu Market, by avoiding the operation to Edappally gate and the last trip is desired to be finished at Pattimattiom and halted at Chelakulam.

This authority considered the application in detail in the light of the report of route enquiry officer and existing Government notifications. As per the enquiry report in the proposed variation there is a curtailment of 16 km from Thhripunithura to Edappally gate and the distance of extension is 14 km (Thripunithura to Lakeshore Hospital). The proposed extension is from an intermediate point of operation and the total distance of variation becomes 30 kms, and it covers the permissible limit of 24 kms preferred in Sec.80(3) of MV act. In this circumstances the proposed variation is not seen maintainable, hence rejected.

#### **Item No-12**

A) Perused the judgment of hon'ble High court in WP(c) 39859 of 2018 dtd 10/01/2019.

B) Heard Adv. Prasad Chandran, the learned Counsel represented the applicant Sri Eldho T Alias and Adv. Stalin Peter Davis, the counsel appeared for objector.

This is an application for variation of regular permit in respect of S/C KL 07 AY 272 to operate on the route Muvattupuzha- Chottanikkara (Via) Marady, Pampakuda, Mannathoor, Vettikkattupuram, Koothattukualam, Kolencherry, Monippilly and Erumely as ordinary service as Muvattupuzha- Chottanikkara (Via) Marady, Pampakuda, Mannathoor, Vettikkattupuram, Koothattukualam, Kolencherry, Monippilly, Nadukuriz, Thiruvaniyoor, OEN, Vettickal and Thuppampady.

The proposed variation is a deviation of route in the trip to Chottanikkara from Monippally (Via), Nadukuriz, Thiruvaniyoor, OEN, Vettickal and Thuppampady instead of (Via) Vandipetta, Kanniyattunirappu.

This authority in the meeting dated 15/09/2018 considered the application and rejected as per clause (4) of notification no 08/2017/Tran dtd 23/03/2017. Subsequently the hon'ble High court vide judgment in WA no 1109/2018 along with writ petitions WP(c) No 1182/2018 and connected cases clause (4) of notification no 08/2017/Tran was quashed. Now the applicant produced an order of hon'ble High court in WP(c) 39859 of 2018 where in the court set aside the decision of RTA and directed to consider the application for variation or extension is sought for on the notified routes the same shall be considered and disposed off in accordance with sec. 80(3) of MV act.

This authority re considered the application as afresh in the light of the report of route enquiry officer and existing Government notifications and judgment hon'ble High court. The enquiry officer reported that the portion of the route intend to be avoid by the proposed deviation is also a remote route with lack of public transport facility. But it is not specifically mentioned the effect of curtailment in the existing route with that of the proposed deviated route.

In this circumstances this authority feels that a specific report is required to ascertain the extend of curtailment. Hence Secretary RTA is instructed to obtain a specific enquiry report detailing the number services with relative time gaps and effect of curtailment in the existing route . Hence adjourned.

### **Item No-13**

A) Perused the order of hon'ble STAT in MVAA no 31/2019 dtd14/03/2019.

B) Heard Sri K V Gopinathan Nair , the learned Counsel represented the applicant Sri sony Kuriakose. This is an application for variation of regular permit in respect of S/C KL 09 N 4599 on the route Mulamkuzhy- Thattekkad (Via) Illithode, Kalady, Peumbavoor and Kothamangalam as LSOS .

The permit is intend to be varied as Mulamkuzhy- Thattekkad touching Manjapra as ordinary service by changing the halting place as Manjapra and converting the class of service as ordinary moffusil service. In the meeting dated 17/03/2018 this authority rejected the application, as per clause (4) of notification no 08/2017/Tran dtd 23/03/2017. Aggrieved on this the applicant approached the hon'ble STAT and the court vide its order in MVARP No 57/2018 set aside the decision of RTA and directed to consider the application for variation or extension is sought for on the notified routes ,the same shall be considered and disposed off in accordance with sec. 80(3) of MV act. But the application was again rejected by this authority and against this decision the applicant approached the hon'ble STAT through MVAA no 31/2019 where in the court set aside the RTA decision and remand back for fresh consideration. Considered the application afresh and perused all connected files and records. In the first part of the application, the permit is desired to be varied as Mulamkuzhy- Thattekkad touching Manjapra as ordinary service by changing the halting place as Manjapra. Comparing the effect of curtailment with proposed extension, the route for which extension sought for is more well served than the curtailment portion ,ie Manjpara.

Mulamkuzhy is a remote forest area and number of objections against this curtailment has received from the residing public of the area.

Regional Transport authorities are entitled to protect the travels needs of common public . Withdrawal of the trip towards an ill served area will adversely affect the passengers and interest of the common public is the main factor for the grant of a variation on existing regular permit and the benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit.

As these were the stand of this authority, the hon'ble STAT viewed that " the application for variation was rejected mainly on the ground that with drawl of the trip will affect the passengers and interest of the common public. It was also held that there is no necessity under Rule 145(6) of the KMV rules warranting the grant of variation. The prayer of the appellant to allow operation of his service as ordinary service was also rejected holding that increase of running time indirectly amounts to variation of the entire route of operation including notified sector. It is to be noted that by allowing the service to operate as ordinary service, there is no change in running time. The enquiry report reveals that the proposed trip sought by the appellant is beneficial to the travelling public though the curtailment will affect the public .Regarding the request to convert as ordinary service, it is reported in the enquiry report that even the running time per kilometre has no variation at all. In he proposal there is no inclusion on any notified sector so as to increase the number of trips. According to the appellant there were number of public representation including from schools and colleges, requesting to also the service as ordinary service on this short route. These aspects were not considered by the RTA while passing the impugned order. For all these reasons the impugned is liable to be set aside".

Considering all these facts ,and adhering the order of hon'ble STAT , this authority is decided to grant the variation as Mulamkuzhy- Thattekkad touching Manjapra as ordinary service by changing the halting place as Manjapra . As State Transport Authority is directed all RTAs to implement the D3 Circular for settlement of timings of stage carriages in the State, the timings shall be settled as per D3 2813/STA/2013 dtd 21/04/2018 circular.

#### **Item No-14**

Applicant absent. Hence adjourned.

#### **Item No-15**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 B 6768 operating on the route Perumbavoor- Kakkanad. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-16**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 D 5806 operating on the route Vellakkayam- Muvattupuzha. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-17**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 06 D 6387 operating on the route Kothamangalam-Thripunithura. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-18**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 D 6010 operating on the route Manikandanchal- Kothamangalam . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-19**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 05 Y 2036 operating on the route Muvattupuzha- Ernakulam. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-20**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 63 D 4055 operating on the route Vaveli-Muvattupuzha- Perumbavoor . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-21**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 40 J 5911 operating on the route Perumbavoor- Muvattupuzha. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

**Item No-22**

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 D 5556 operating on the route Pooyamkutty- Aluva. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

### **Item No-23**

This is the request of secretary RTA Idukki for granting fresh regular permit in respect of stage carriage KL 06 G 4162 or suitable stage carriage with seating capacity not less than 48 in all to operate on the route Thopramkudy- Ernakulam Vyttila Hub (Via) Murickasserry, Adimaly, Kothamangalam, Neriamangalam, Perumbavoor, Chemberakky, Pukkattupady and Kakkanad as LSOS.

As per the report of the MVI Muvattupuzha a distance of 49 Km from Neriamangalam to Ambunadu comes under the jurisdiction of this authority. It is also reported that the route portion from Perumbavoor(Kalady Jn ) to Palakkattutazham a distance of 1.5 km overlaps with the notified scheme Aluva-Kattappana.

Hence concurrence is granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the effect of clause 5(c) of notification published vide GO(p) 08/2017/Trans dated 23/03/2017.

### **Item No-24**

Heard Adv. G Prabhakaran, the learned counsel represented the applicant Sri Rebin P Rajan.

This is a request for allowing maximum time for production of current records of a suitable vehicle for availing the fresh regular permit, granted by this authority in the sitting dtd 24-11-2018 to a suitable stage carriage not older than 08 years from the date its original registration with seating capacity not less than 33 in all to operate on the route Panamkuzhy-Perumbavoor ( Via) Vengoor and Kuruppampady subject to settlement of timings.

Request of the permit holder is allowed and granted a maximum time of four months as per Rule 159[2] of KMV Rules 1989 for the production of current records of a suitable vehicle failing which the regular permit is liable to be revoked.

### **Item No-25**

Heard the representative of the applicant Sri Biju E S and perused the records. This is an item included to condone delay in production of current records for obtaining renewal of permit in respect of A/R KL-17-C-2880 granted by the delegate Joint RTO Perumbavoor vide proceedings No:98946/2017 dated 26.12.2017 . It is reported that the grantee was directed to produce current records within 30 days from but he has not produced the records or submitted any representation till 24.01.2019. On 24.01.2019 the applicant has submitted a request along with medical certificate from Taluk Head Quarters Hospital, Perumbavoor stating that he has been under medical treatment from 27.12.2017 to 05.01.2018. Now the request is to condone delay in this regard and pass orders to get the same permit renewed.

Considered the matter in detail. The representative of the applicant produced another medical certificate wef 06/01/2018 to a period of 13 months proving the continuous treatment the applicant.

Hence this authority decided to condone the delay on submitting current records of A/R KL 17 C -2880 and allowed the renewal of permit subject to remittance of a compounding fee of Rs 2000/-

#### **Item No-26**

A) Perused the judgment of hon'ble STAT in MVAA No 18/2019 dtd 12/02/2019.

B) Perused the records and connected file. Considered the matter in detail. The stage carriage KL 40 G 9133 is permitted to operate on the route Eco tourism-Vadakkumpilly- Perumbavoor (Via) Kodanadu, Kurichilakode, Koovappady, Aimury, Thodaparambu and Pooppany as ordinary service, vide regular permit number 17/2764/2018 having validity from 17/09/2018 to 16/09/2023. On 06/10/2018 the permit holder filed an application for replacement with S/c KL 18 B 1068 which is a 2004 model stage carriage. Since the STA as well as RTA decided to impose restriction on the age of the vehicle for the grant of fresh permit, the application of replacement was placed before the consideration of RTA held on 24/11/2018 and RTA rejected the same. Mean while joint RTO Thodupuzha vide letter dated 22/11/2018 intimated that Transfer of ownership in respect of KL 40 G 9133 has been effected to the name of Sri Shijo Kuriakose, Thandelputhanpurayil, Panoor P O as per the direction of hon'ble High court in its judgment in WP©34694 of 2018 dtd 07/11/2018 without a permit less/ clearance certificate.

As per Sec. 86 (3) of MV act if the holder of the permit ceases to own the vehicle covered by a permit the authority which granted the permit can cancel permit. Accordingly show cause notice to the permit holder was issued on 17/12/2018 but not replied.

In the above reasons this authority in the meeting dtd on 19/01/2019 cancelled the regular permit issued to the stage carriage KL 40 G 9133.

Now hon'ble STAT in its judgment in MVAA No 18/2019 dated 12/02/2019 set aside the decision of RTA dtd 24/11/2018, in rejecting the replacement application and directed to re consider the application for replacement afresh.

In this case the regular permit was cancelled by this authority on 19/01/2019. As there is no valid permit, the replacement is not seen feasible. Hence rejected.

#### **Item No-27**

1) Perused the judgment of hon'ble High court in WP(c) No-27356 of 2018.

2) Heard the learned counsel represented the applicant, objectors and perused the records and connected file.

This authority considered the matter in detail. The field officer reported that all stage carriages operating from Kothamanglam are covering more distance in Kothamanglam Municipality due to traffic regulations. As per sec.72 of MV act 1988 diversion of the route in the city/town is a measure of traffic regulations couldn't amount to variation of permit. Hence this authority doesn't interfere with the existing traffic regulations as such, the request of the Secretary PBOA Kothamanglam can't be considered. Hence rejected.

### **Item No-28**

A) Perused the judgment of hon'ble STAT in MVAA No 316 /2018 dtd 02/02/2019.

B) Perused the records and connected file. The stage carriage KL 04 N 3443 was permitted to operate on the route Perumbavoor- Kolencherry as Ordinary service with valid regular permit up to 29/02/2020. The vehicle was registered on 20/08/2003, hence attains the age limit of 15 years on 19/08/2018. The permit holder has been filed an application for extension of time to replace the existing vehicle with a later model vehicle stating that no ready vehicle is available to him . It is reported that , permit holder not replied against the notice issued as per Rule 152 of KMV Rules .

Subsequently the regular permit issued to stage carriage KL 04 N 3443 on the route Perumbavoor- Kolencherry was cancelled by this authority in the meeting dtd 15/09/2018.

Now the applicant produced the judgment of hon'ble STAT in MVAA No 316 /2018 dtd 02/02/2019 where in the court set side the RTA decision and viewed that the permit holder can replace the vehicle at any time during the currency of the permit. Mean while govt has published GO(P) No 04/2019/Trans dtd 29/01/2019 to amend Rule 260 A for allowing stage carriages not older than twenty years from the date of its registration to operate as an ordinary service.

In this circumstances , the permit holder is allowed to resume his service with either with the route bus or by replacing with a suitable vehicle during the currency of the permit.

### **Item No-29**

Perused the files. This item is for ratifying the replacement of stage carriages done by Secretary RTA in cases had material difference greater than 25%.

In all the reported cases the incoming vehicles had higher seating capacity , which found beneficial to the travelling public. This may also lead to increase in public exchequer and travelling facility of common public. Hence the action of Secretary RTA is ratified.

### **Item No-30**

Heard the learned counsel represented the permit holder and perused the connected file and records.

The stage carriage KL 24 D 5454 is permitted to operate on the route Pathanamthitta- Ernakulam as LSOS on the strength of regular permit no-17/54/1995 issued from this office up to 06/06/2013 and then after plied on the strength of temporary permits up to 07/01/2017. Renewal of permit application of this stage carriage has been considered by this authority on 22/12/2015 and adjourned for want of concurrence from sister RTAs. Meanwhile, it is reported that , Joint RTO Kottarakkara informed that transfer of ownership of the vehicle has been effected on 28/01/2019 from the name of the permit holder to the name of Sri Manojkumar, Saranya, Kura P O,

Kottarakkara as per the judgment of Hon'ble High court in WP© 5952 of 2018 without obtaining a clearance certificate /permit less certificate. It is also reported that the permit holder has not replied to the show cause notice issued to him in this regard.

This authority considered the matter in detail . As per Sec. 86 (3) of MV act if the holder of the permit ceases to own the vehicle covered by a permit the authority which granted the permit can cancel permit. Further hon'ble high court in judgment in WP(c) 22257 of 2017 dtd 31/08/2017 viewed that if there is no vehicle to operate under the permit, the permit become invalid. In this circumstances the regular permit having permit no-17/54/1995 issued to stage carriage KL 24 D 5454 on the route Pathanamthitta- Ernakulam is hereby cancelled.

**Item No-31**

Ratified.

**Item No-32**

Will be fixed later.

**Item No-33**

Nil

Sd/-

**Shaji Joseph**

Deputy Transport Commissioner  
CZ-II & Member -RTA Muvattupuzha

Sd/-

**Mohammed. Y. Safirulla I.A.S.**

District Collector &  
Chairman-RTA Muvattupuzha.