DECISIONS OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY, PALAKKAD HELD ON 24.12.2019 AT 11.00 AM AT DISTRICT COLLECTORATE CONFERENCE HALL, PALAKKAD.

Present:

Chairman : Sri. D. Balamurali IAS
District Collector &
Chairman-Regional Transport Authority,
Palakkad.

Member : Sri. Suresh. M,
Deputy Transport Commissioner(in charge),
Central Zone-1, Thrissur &
Member-Regional Transport Authority,
Palakkad.
MINUTES OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY,
PALAKKAD HELD ON 24.12.2019

Item No.01

Heard. The request for allowing a bus stop at Edayikkal between Ponnambode and Thachampara is considered. The Executive Engineer, PWD NH division, Malappuram in his letter no.A3/3099/2017 dt.24.09.2019 has intimated that the PWD authorities have no objection in sanctioning a bus stop at Edayikkal of Thachampara Panchayath on Kozhikode –Palakkad NH 966 at 109/600 km near the place where Murungeni Road reaches the highway without a bus bay or bus shelter and the enquiry report dt. 24.07.2018 submitted by the field officer, Sub-Regional Transport Office, Mannarkkad has revealed that there is no other bus stop between Thachampara & Ponnambode for a stretch of 1.7 kms and the requested bus stop is situated exactly in the middle of 600 metre straight line stretch of road in between Thachampara and Ponnambode and there is sufficient space for stopping buses without affecting road safety. In view of the above, this authority sanctions the proposed bus stop at Edayikkal of Thachampara Panchayath on Kozhikode –Palakkad NH 966 at 109/600 km under rule 206 of KMV Rules,1989 subject to specific conditions mentioned in the above NOC of the PWD authorities and existing rules and regulations.

Item No.02

1. Perused the judgment dt.18.10.2019 in MVAA no.158/2019 by the Hon’ble State Transport Appellate Tribunal, Ernakulam.
2. Heard. Earlier, in compliance to the order dt.12.04.2018 in M.V.A.A no.81/2018 of the hon’ble STAT, the RTA,Palakkad dt. 29.05.2018 in item no.12 granted fresh regular stage carriage permit to the applicant, subject to settlement of timings and production of current records of a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2 within one month from the date of communication of the decision ,on condition that the grant of permit would be treated as revoked if he failed to do so. This decision was communicated to the applicant on 21.08.2018.

Later, the RTA dt. 15.11.2018 in item no.25 , considering the request dt.10.09.2018 filed by the grantee, a maximum time of four months was also allowed under rule 159(2) of KMV Rules, 1989 from 21.08.2018 to produce the current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2, on condition that the grant of permit would be treated as revoked if he failed to do so.
The maximum permissible time period as per law expired on 20.12.2018. But the grantee never produced the current records of any suitable stage carriage as prescribed in the decision of STA dt.14.06.2017 within the above limit. Instead, on 04.11.2019 he produced a judgment dt.18.10.2019 of the STAT MVAA no.158/2019, which set aside the above decision of RTA to the extent it directs the appellant to produce a vehicle in terms of the decision in STA dt.14.06.2017 and directs that RTA shall pass appropriate revised orders in terms with direction contained in paragraph 24 and 25 of the judgment of the Hon'ble High Court of Kerala in WP(C) no.24680/2017 as well as the decision of the STA dt. 16.01.2019, which has re-fixed the upper age limit for applying and granting fresh permit to ordinary, city/town and LSOS stage carriages as 8 years.

Incidentally, the Hon’ble High Court Of Kerala, earlier in its judgment dt.15.10.2018 in WP(C) no.24680/2017 & connected cases set aside the earlier decision of STA dt.14.06.2017 in Department Item no.2, and directed that based on the orders passed by the State Transport Authority, the respective Regional Transport Authorities shall pass revised orders on the application preferred by the petitioners for grant of regular permit, if situation warrants.

In light of the above order of Hon’ble High Court Of Kerala, this authority perused the both decisions of STA meeting held on 14.06.2017 in department item no.2 and that held on 16.01.2019 in department item no.1 and finds no change in these decisions as far as the upper age limit for applying and granting fresh permit to ordinary stage carriages is concerned. It is 8 years in both decisions. The hon’ble High court clearly says that the respective RTA shall pass revised orders on the application for grant of regular permit, only if situation warrants. Obviously, no such situation has arisen here, warranting a revision of previous decision of RTA in this regard.

Hence, this authority affirms the earlier decision on this application for fresh permit and the grant of this permit stands revoked with immediate effect since the grantee failed to produce the current records of a suitable stage carriage not older than 8 years as prescribed in both decisions of STA dated 14.06.2017 and dated 16.01.2019, within the maximum permissible period of 4 months under rule 159(2) of KMV Rules, 1989, which ended on 20.12.2018.

Item No.03

1. Perused the judgment dt.18.10.2019 in MVAA no.188/2019 by the Hon’ble State Transport Appellate Tribunal, Ernakulam.
2. Heard. Earlier, RTA dt. 15.11.2018 in item no. 13 had considered this application for fresh regular stage carriage permit to operate on the intra-district route Vayalur--Panamarathvayal--Melemulli and granted the same, subject to settlement of timings and production of current records of a suitable LMV stage carriage as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2 within one month from the date of communication of the decision, on condition that the grant of permit would be treated as revoked if he failed to do so.

The above decision was seen communicated to the applicant on 26.12.2018. Though the applicant produced the current records of the stage carriage KL-10-AM-9770 in time on 24.01.2019, it was not in conformity with the decision of RTA because the applicant produced the current records of a HPMV stage carriage instead of the records of an LMV stage carriage as prescribed by RTA. Then as per the letter dt. 30.01.2019, the secretary, RTA directed the grantee to produce the records of a suitable LMV stage carriage in line with the above decision of RTA.

Against this, the grantee approached the hon’ble STAT and the tribunal in its order dt. 18.10.2019 in MVAA no.188/2019 set aside the decision of RTA to the extent it directed the applicant to produce suitable LMV stage carriage citing that the RTA had earlier issued permits on identical routes to HPMV stage carriages and directed the RTA to reconsider the question whether the appellant could be permitted to operate with heavy passenger vehicle. The tribunal further ordered that if it is found permissible, the permit shall be issued to the appellant within two months in terms with direction contained in the judgment of the Hon’ble High Court of Kerala in WP(C) no.24680/2017 as well as the decision of the STA dt. 16.01.2019, which has re-fixed the upper age limit for applying and granting fresh permit to ordinary, city/town and LSOS stage carriages as 8 years.

Then, the subsequent enquiry conducted through the JRTO, Mannarkkad to check the suitability of HPMV stage carriage for operation on the route in question has revealed that the roads of most of these areas are recently widened and newly constructed under various schemes of central and state Governments and stage carriages which conduct services on these areas are mainly medium passenger vehicles and a few heavy passenger vehicles including KSRTC buses are also operating on these routes. It has been reported that the roads have enough width now, so as to facilitate smooth operation of HPVs.

In the above circumstances, the secretary, RTA is directed to accept the current records of the HPMV stage carriage KL-10-AM-9770 produced by the grantee on 24.01.2019 and issue fresh permit on the above route after settlement of the timings, in line
with decision of the STA dt. 16.01.2019 in department item no.1 regarding the age of stage carriages.

Item No.04

Heard. This application for fresh regular stage carriage permit on the inter-district route Valanchery--Pattambi was earlier placed in the RTA meeting held on 25.02.2019 as item no.05 and the secretary ,RTA was permitted to obtain prior concurrence from RTA, Malapouram since the portions from Kodumudi to Valanchery via Valiyakunnu and Kottappuram and from Kottapuram to Mankeri (via) Vendallur were in Malappuram district. Now, the RTA ,Malappuram held on 10.07.2019 granted concurrence for fresh stage carriage permit on the above route in item no.183. The route enquiry report of the MVI Pattambi dated 15.02.2019 revealed that average frequency of the direct bus service on the route was nearly more than half an hour. The proposed route provided many trips through interior and ill served areas of Pattambi and Valanchery town and at present, there was no bus service on the Pattambi–Muthuthala (via) Perumudiyoorthara sector. Also, there is no legal impediment found against the proposed route as per G.O(P)No.8/2017/ Tran dt.23.03.2017.

Hence, a fresh regular stage carriage permit is granted, subject to settlement of timings and production of current records of a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

Item No.05

Heard. This is an application for fresh regular stage carriage permit on the inter-district route Pallippuram--Desamangalam. It is reported that route covers a distance of 6.7 Km in Thrissur district. So, a prior concurrence from the sister RTA is required for consideration of the application. Hence, Secretary is permitted to obtain prior concurrence from RTA Thrissur with specific mention of intermediate points on the route and the exact distance of overlapping with notified route in the jurisdiction of sister RTA ,if any & place the application before RTA for re-consideration For compliance of the above direction, decision on the application is adjourned.

Item No.06

Heard. This permit is proposed to operate from Karamabathur through Palakkad Town Bus Stand to stadium bus stand. This RTA has earlier taken decisions on the basis of reports of NATPAC and field officers of Motor Vehicles Department, not to grant fresh permits with
terminus at Palakkad town bus stand or touching Town Bus Stand. Certain stage carriage services were shifted from Town Bus Stand to Stadium Bus Stand on account of traffic congestions and accidents on recommendation from Traffic Regulatory Committee of Palakkad Municipality. The Hon’ble High Court had not allowed the writ petitions filed against the above decisions. Hence these decisions of this RTA are still in force. Moreover, the Hon’ble High Court in a case (WP(C) No.28906/2012(K)) had directed to redress the grievance of the bus operators’ organization in which the organization requested to stop granting permits from Palakkad Town Bus Stand and the same was taken notice and redressed by the RTA in its decision dated 18.03.2013 in item No.22, in view of the above judgment dt.05.12.2012 of Hon’ble High Court and connected study reports in this regard. For the above reasons, this permit is not allowable on account of Road Safety, hence rejected.

Item No.07

Heard. This is a request from the secretary RTA, Malappuram for concurrence for considering the application for fresh stage carriage permit to operate on the inter district route Pandikkad–Alanallur. The matter has been enquired through MVI, Palakkad and it is reported that a distance of 5.5 Kms from Unniyal to Alanallur of the above route is in Palakkad district and there is no overlapping with any of the notified routes. Hence, the request for concurrence for fresh permit is granted, subject to stipulations in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala.

Item No.08

Heard. This is a request from the secretary RTA, Malappuram for concurrence for considering the application for fresh stage carriage permit to operate on the inter district route Pandikkad–Kottothkunnu Harijan colony. The matter has been enquired through MVI, Palakkad and it is reported that a distance of 1.8 Kms from Alungal to Kombankallu Bridge of the above route is in Palakkad district and there is no overlapping with any of the notified routes. Hence, the request for concurrence for fresh permit is granted, subject to stipulations in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala.

Item No.09

Heard. This application for variation of permit was earlier considered by RTA dated 30.07.2019 in item no.11 but the decision on the application was adjourned since in the last RTA meeting, the counsel for the applicant argued that he had not applied variation through the place ‘Alur’ but through ‘Othalur’ On the contrary, the
field officer reported that the proposed route passed through 'Alur'. Then, the secretary, RTA was directed to call for explanation from the field officer concerned for the discrepancies in the report and place before the RTA with fresh enquiry report on the matter after rectifying the defect. The explanation submitted by the field officer as well as the rectified report has been perused. The field is cautioned not to repeat such mistake in future and to take utmost care and apply mind while preparing reports.

The matter is considered and examined in the light of the fresh enquiry report of the field officer. It is revealed that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public and students on the route since it is on an ill served area. Hence, variation of permit is granted subject to settlement of timings.

**Item No.10**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public on the route. Hence, variation of permit is granted subject to settlement of timings

**Item No.11**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposed extension from Pengattiri to Charal, which is an ill served area, is beneficial to the travelling public on the route. Hence, variation of permit is granted subject to settlement of timings

**Item No.12**

Heard. On scrutiny of the application for variation of permit on the basis of route enquiry report of the field officer, it is understood that the proposed route takes a deviation of 22 kms from a point(from Anikkode water tank to Kongad) between the termini and comes back and joins the same place and then proceeds to the termini taking the total distance of variation to 44 kms. But as per section 80(3) of the Motor Vehicles Act, 1988 , the distance covered by the variation shall not exceed 24 Kms. Hence, owing to violation of the above section, the proposed variation is rejected.
**Item No.13**

1. Perused the judgment dated 03.11.2018 of Hon’ble STAT, Ernakulam in M.V.A.A no.147/2018.

2. Heard. This application for variation of permit was earlier considered and rejected by RTA dated 28.12.2017 in item no.105 in view of the directions contained in the clause 4 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017, which reads “the permits granted in the private sector as on 14/07/2009 will be permitted to operate as ordinary or limited stop ordinary service. The maximum distance prescribed in rule 2(oa) in the KMV Rules,1989 shall apply to these saved permits provided that further extensions or variation shall not be allowed under any circumstances”.

Challenging the above decision of RTA, the permit holder approached the Hon’ble STAT and the tribunal in its judgment dated 03.11.2018 in M.V.A.A. No. 147/2018 set aside the decision of RTA and directed the Regional Transport Authority to consider the application for variation of permits afresh and in case no variation or extension is sought on the notified routes, the same shall be considered and disposed off in accordance with section 80(3) of the M.V. Act, after hearing all the parties concerned including the KSRTC.

The application for variation of permit is reconsidered and examined on the basis of enquiry report of the field officer of SRTO, Ottapalam. It is reported that the proposed variation is not lying on any of the notified sectors and is advantageous to the travelling public on the area. Hence, variation of permit is granted subject to settlement of timings.

**Item No.14**

Heard. The representative of K.S.R.T.C has vehemently objected to granting variation of permit alleging that the proposed variation contains additional trips on the notified sector violating the notification G.O(P) no.8/2017/Tran dt.23.03.2017. The Secretary, RTA is directed to make an enquiry on the matter and place the application before RTA along with specific report on additional trips on the notified sector and exact distance of overlapping with notified route, if any. Hence, decision on the application is adjourned.”

**Item No.15**

1. Perused the common judgment dated 03.11.2018 of Hon’ble STAT, Ernakulam in M.V.A.A no.237/2018

2. Heard. This application for variation of permit on the inter district route Vattambalam-Pandikadavu was earlier considered and rejected by RTA dt.03.07.2017 in item no 53 in view of the
directions contained in the clause 4 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017, which reads “the permits granted in the private sector as on 14/07/2009 will be permitted to operate as ordinary or limited stop ordinary service. The maximum distance prescribed in rule 2(oa) in the KMV Rules,1989 shall apply to these saved permits provided that further extensions or variation shall not be allowed under any circumstances”.

Challenging the above decision of RTA, the permit holder approached the Hon’ble STAT and the tribunal in its judgment dated 03.11.2018 in M.V.A.A.No.237/2018 along with other similar connected cases, set aside the decision of RTA observing that impugned orders rejecting the applications on the ground of notification GO(P)No.8/2017 dated 23.03.2017 cannot be sustained in view of the facts that the single bench of Hon’ble High Court of Kerala found that the said notification restricts only the grant of variation or extension or additional trips on the notified route and the same does not have any applicability with regard to the non-notified route and moreover, the division bench of the Hon’ble High Court of Kerala quashed the Clause 4 of the scheme dated 25.03.2017 and directed the respective Regional Transport Authorities to consider the applications for variation of permits on individual basis afresh and in case no variation and extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with section 80(3) of the M.V. Act, after hearing all the parties concerned including the KSRTC.

The representative of K.S.R.T.C has vehemently objected to granting variation of permit alleging that the proposed variation contains additional trips on the notified sector violating the notification G.O(P) no.8/2017/Tran dt.23.03.2017. The Secretary, RTA is directed to make an enquiry on the matter and place the application before RTA along with specific report on additional trips on the notified sector and exact distance of overlapping with notified route, if any. Hence, decision on the application is adjourned.”

**Item No.16**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public on the route. Hence, variation of permit is granted subject to settlement of timings

**Item No.17**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It
is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public on the route. Hence, variation of permit is granted subject to settlement of timings.

**Item No.18**

1. Perused the judgment dated 23.07.2019 of Hon’ble STAT, Ernakulam in M.V.A.A no.109/2019
2. Heard. This application for converting the nature of service on the inter district route Thrissur-Pattambi was earlier considered by RTA dated 25.02.2019 in item no 14 and was rejected on the ground that the existing route having a length of 78 Kms, on which the conversion from LSOS to Ordinary service was sought, overlapped with notified sector for distance of 55 Kms and the notification G.O(P)No.8/2017 dated 23.03.2017 restricts the grant of variation of permit on the notified route.

The above decision of RTA was challenged by the permit holder before the Hon’ble STAT and the tribunal in its judgment dated 23.07.2019 in MVAA No.109/2019 set aside the above decision of RTA observing that “Since clause (4) of the notification dated.23.03.2017 has been quashed by the Hon’ble High Court, there is no restriction regarding the grant of variation of permit and the only embargo is against the variation or additional trips on the notified route. In this case, there is absolutely no variation by way of extension or deviation by which notified route will be overlapped and there is no additional trip sought on the notified sector.” And directed the first respondent (RTA, Palakkad) to re consider the application for variation and pass orders in accordance with law.

In the light of the above judgment the matter is reconsidered and found that the proposed variation from LSOS to Ordinary service will result in the increase in the number of ordinary services on the route and will also increase the number of stops and decrease the fare rate, to the benefit of the travelling public and students of the area through which the permit traverses. This authority is satisfied that such variation will serve the convenience of public as mentioned in section 80(3)(ii) Motor Vehicle Act, 1988. Hence, the application for variation of permit conditions by converting the nature of service from LSOS to Ordinary service is granted subject to settlement of timings and the stipulations laid down regarding the age of stage carriages by the government of Kerala in G.O(P)No.4/2019 dated 29.01.2017 and subject to the uniform colour scheme prescribed for ordinary services by the STA, Kerala meeting held on 04.01.2018 in Departmental Item no.2
**Item No.19**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is on an ill-served area and is beneficial to the travelling public on the route. Hence, *variation of permit is granted subject to settlement of timings.*

**Item No.20**

Heard. This application for variation of permit on the intra district route Ayakurussi-Palakkad, was placed in the RTA meeting held on 30.07.2019 in item no.16 and the decision on the application was *adjourned directing the* Secretary, RTA make an enquiry on the objection of KSRTC regarding the overlapping make an enquiry on the matter and place the application before the RTA along with report of exact distance of overlapping with notified route in the proposal and place the application before the RTA along with report of exact distance of overlapping with notified route.

The fresh report submitted by the field officer has been perused and it is revealed that the proposed additional trip from Palakkad to Perungottukurissi lies on the notified scheme Trivandrum-Palakkad from BEM school Jn. To KSRTC Bus station violating clause 19 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017. Hence, *the application for variation is rejected.*

**Item No.21**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public on the route. Hence, *variation of permit is granted subject to settlement of timings.*

**Item No.22**

Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. The details of overlapping / increase in trips on the notified sector are not specifically reported. A portion in the proposed extension lies in the jurisdiction of RTA, Malappuram, for which the concurrence from that RTA is necessary. Hence, the Secretary, RTA is directed to furnish a specific report containing the details of overlapping / increase in trips on the notified sector in the proposal and *directed to seek concurrence from RTA, Malappuram and*
for the compliance of the above, the decision on the application for variation of permit is adjourned.

Item No.23

1. Perused the judgment dt.18.11.2019 in WP(C) no.31076/2019(B) by the hon’ble High Court of Kerala.
2. Heard. This is an application for renewal of inter-district permit(9/1276/2009) in respect of the stage carriage KL-50-E-2037, which was issued prior to 14.07.2009 on the route Veetikkad–Perinthalmanna. The regular permit was valid upto 02.06.2019, but the application for renewal of permit was filed on 22.08.2019, which was after the expiry of permit along with a request for condoning the delay. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. As there is no legal impediment found against renewal of this permit, delay is condoned and renewal of permit is granted subject to remittance of a compounding fee Rs.10000/- and subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.24

Heard. This is an application for renewal of inter-district permit (9/109/2000) in respect of the stage carriage KL-50-D-342, which was issued prior to 14.07.2009 on the route Palakkad-Manjeri as ordinary service. The enquiry report submitted by the field officer has been perused. As there is no legal impediment found against renewal of this permit, renewal of permit is granted subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

Item No.25

Heard. This is an application for renewal of intra-district permit (9/2416/2014) in respect of the stage carriage KL-09-W-59, which was issued after 14.07.2009 on the route Tholanur--Pathiripala. The regular permit was valid up to 20.11.2019, but the application for renewal of permit was filed on 06.11.2019, which was just 14 days before the expiry of permit along with a request for condoning the delay. The vehicle is now operating on the strength of temporary
permits u/s 87(1)d. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. Hence, *delay is condoned and renewal of permit is granted* subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.26**

Heard. This is an application for renewal of intra-district permit (9/447/1999) in respect of the stage carriage KL-08-T-3830, which was issued after 14.07.2009 on the route Nemmara–Kozhinjampara. The regular permit was valid up to 08.09.2019, but the application for renewal of permit was filed on 27.08.2019, which was just 12 days before the expiry of permit, along with a request for condoning the delay. The applicant was also personally heard on 14.10.2019 by the secretary, RTA and the application filed was found genuine. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. Hence, *delay is condoned and renewal of permit is granted* subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.27**

Heard. This is an application for renewal of intra-district permit (9/631/2005) in respect of the stage carriage KL-41-E-4575, which was issued after 14.07.2009 on the route Ponkandam–Vadakkenchery. The regular permit was valid up to 10.11.2019, but the application for renewal of permit was filed only on 29.10.2019, which was not within the time specified in section 81(2) of Motor Vehicles Act 1988. The applicant was also personally heard on 02.12.2019 by the secretary, RTA and the application filed was found genuine. This authority has considered the request for condoning the delay and is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. Hence, *delay is condoned and renewal of permit is granted* subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Item No. 28

Heard. This is an application for renewal of inter-district permit (9/641/1999) in respect of the stage carriage KL-08-BE-4751, which was issued prior to 14.07.2009 on the route Thrissur-Govindapuram as L.S.O.S. The enquiry report submitted by the field officer has been perused. As there is no legal impediment found against renewal of this permit, renewal of permit is granted subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No. 29

The applicant is absent. This is a belated application for renewal of permit to operate on the intra district route Ottapalam-Elumbulassery. This permit was issued prior to 14.07.2009 and was valid up to 02.08.2019 but the application for renewal of permit was filed on 03.08.2019 after the expiry of permit. Hence, the decision on the application for renewal of permit is adjourned and the Secretary is directed to verify the service of the vehicle after expiry of permit and compounding fee Rs.10000/- has to be realised for permit-less operation if necessary, and place the matter again in the RTA with notice to the applicant.

Item No. 30

1. Perused the judgment dated 30.10.2019 of Hon’ble High Court of Kerala in WP(C) no.27689/2019.

The former route bus KL-51-A -7384, which operated on the above route was issued a permit less certificate on 22.05.2015
(as per the application filed by the registered owner) since the renewal of permit was already rejected by RTA dt.12.02.2015 in item no.114 and later, K.S.R.T.C took over the above permit as per the notification no.73/2013 dt.16.07.13.

Later, the RTA, Palakkad dt.13.07.2016 in item no.131 permitted secretary, RTA to seek concurrence from the RTA Malappuram & RTA, Kozhikode with specific mention regarding the exact distance of overlapping with the notified route/approved scheme in the jurisdiction of those RTAs for issuing Ordinary Limited Stop Service Permit in this case in view of the Order of Government of Kerala G.O (MS)No.45/2015/Tran dated 20.08.2015. Subsequently, concurrence for renewal of permit was granted by RTA Malappuram 30.05.2017 item no.138.

When the G.O(P) No.8/2017/Tran dtd.23.03.2017 came into force mandating in clause 4 of the notification ,the maximum distance prescribed in rule 2(oa) in the KMV Rules,1989 for all the permits granted in the private sector as on 14/07/2009 which were permitted to operate as ordinary or limited stop ordinary service”, a notice was issued on 30.06.2017 to the petitioner to submit an application for curtailment of the route to limit the route length as 140 kms or less within 14 days . But, he never submitted any application for the same. Instead, he filed a request on 30.08.2017 before the secretary, RTA to withdraw the above notice till the matter was decided by the hon’ble High court finally since the court in its interim order dt.25.04.2017 stayed the operation of the above notification to the extent it prescribes a maximum distance of 140 Kms for ordinary limited stop services pending disposal of the above writ petition.

Even though the hon’ble high court of Kerala in its final judgment dt.20.08.2018 in WP(C) no.14662/2017 quashed Clause (4) of G.O(P) No.8/2017/Tran dtd.23.03.2017 that makes the maximum distance in Rule 2 (oa) of the KMV Rules applicable to the saved permits, it rejected the challenge to the validity of the amendment in the Rules in introducing definition of Ordinary Limited Stop Service which prescribes a maximum distance of 140 Kms. It means that the maximum distance permissible for an Ordinary Limited Stop Service is still 140 km. But the applicant has still not applied for curtailing the route length to limit to 140 km for his service which is incidentally an Ordinary Limited Stop Service.

In the above circumstances, this authority cannot renew the above permit allowing replacement. Therefore, **decisions on these applications are adjourned** with direction to the applicant to submit proper application for curtailing route length as per Rule 2 (oa) of the KMV Rules.

**Item No.31**

2. Heard. This matter was considered and rejected many a time by this authority. This is to reconsider the applications for renewal of the regular permit no.9/425/2001 valid up to 30/07/2016 in respect of the stage carriage KL-09-H-9440 and replacement by a later model vehicle KL-70-B-4174.

In the RTA meeting held on 25.02.2019 also the matter was considered and the application for renewal of permit was rejected in item no.30 citing the following reasons “(i) In the form PRA filed on 01.07.2016 for renewal of permit against the entry ‘2’, the registration mark of the vehicle covered by the permit was shown as KL-09-H-9440, which was not in existence at the time of application since the vehicle was already dismantled on 06.02.2016. (ii) Moreover, the division bench of Hon’ble High Court of Kerala in Jaffer V. Usman (2015(4) KLT 590) has categorically stated that an application for renewal of permit cannot be made without the vehicle being available and it’s obvious that the above application for renewal of permit was filed in vacuum as the vehicle covered by the permit was not in existence and contrary to rule 172(2) of KMV Rules, 1989”.

The Hon’ble STAT in its order dated 30.08.2019 in MVAA No.53/2019 set aside the decision of RTA dt.25.02.2019 in item no.30 , observing that “the direction given by this tribunal in earlier two occasions were not honoured in its spirit by the first respondent. This the application for renewal was rejected holding that the vehicle shown in the application was dismantled as early as on 06.02.2016 and as such the vehicle covered by the permit was not in existence at the time of filing application for renewal of permit. It is not in dispute that the permit was valid till 30.07.2016. The application for renewal was filed in time on 01.07.2016. The application for replacement was filed prior to that on 28.06.2016. Thus at the time of filing the application for renewal an application for replacement offering a later model vehicle was submitted by the appellant. Hence the dictum laid down in Jaffer Vs Usman , which was relied on in the impugned order is not applicable to the facts of the case. The appellant is legally entitled to file an application for replacement within the currency of the period even after the elapse of 15 years going by the dictum laid down in Ayisha Vs RTA. For these reasons impugned order is not sustainable and liable to be set aside and directed the RTA to consider the application for renewal of permit and pass orders in accordance with law within two months. It is directed to grant renewal if there is no other legal impediments”.

In compliance to the orders of the tribunal the matter is reconsidered and (i) renewal of permit is granted subject to the stipulations laid down regarding the age of stage carriages in G.0.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.0(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
And (ii) the secretary, RTA is also directed to endorse replacement of vehicle after renewing the permit.

**Item No.32**

1. Perused the Judgment dated 25.10.2019 in WP(C) No.28037/2019 (D) of Hon’ble High Court of Kerala, Ernakulam.
2. Heard. This is to consider the request dtd. 02.06.2015 seeking renewal of permit on the modified curtailed route Palakkad – Pattambi by the applicant relinquishing all claims to the original route Palakkad – Guruvayur via Pattambi, Kulappulli, Ottapalam, Pathirippala and Parli as L.S.O.S issued as per Permit No-C6/10/2006/P valid up to 30/06/2011 in respect of former route bus KL-08-AJ-9550, whose renewal of permit application was earlier rejected by RTA Palakkad dated 29.07.2011 vide item no.23 for want of counter signature from RTA Thrissur.

From the records, the following facts are revealed:- As the permit in respect of the permit holder’s vehicle no. KEH 781 on the route Guruvayur – Palakkad expired on 09.08.2005, an application for fresh regular permit in the vacancy of vehicle KEH 781 in the route Guruvayur – Palakkad via Pattambi, Kulappully, Ottapalam, Pathiripala, Parli was submitted on 01.10.2005. The application for renewal of permit was submitted in respect of S/C KEH 781 in the very same route on 24.10.2005. Both applications (renewal application and the application for fresh permit) were considered together by the RTA Palakkad dt.25.05.2006 in item no.5. Rejecting the renewal application, the RTA granted regular permit in favour of the permit holder on the route Guruvayur – Palakkad subject to counter signature by sister RTA Thrissur.

Later, the regular permit was issued to the applicant on 20/06/2006 in respect of stage carriage KL-08-AJ-9550 on production of current records, subject to counter signature from RTA Thrissur.

The permit covers 73 km in Palakkad district and 19 kms in Thrissur district out of the total route length of 92 km. The portion of 12 km of the above route lying in Palakkad district from Pattambi to Kulappully overlaps with notified route Thiruvananthapuram – Kannur, likewise the portion of 33 kms of the route in Thrissur district from Guruvayur to Pattambi is objectionably overlapping with notified route Kozhikkode – Guruvayur. Hence, the route objectionably overlaps with the notified route for a distance of 45 kms in the total route length of 92 km. So, the RTA Thrissur rejected the counter signature due to the overlapping on the notified route.
Later, the RTA Palakkad in its meeting held 29.07.2011 vide item no.23 considered the application for renewal of permit but rejected it owing to the following grounds:

Though the regular permit was issued to the applicant on 20/06/2006, subject to counter signature from RTA Thrissur, the permit holder did not obtain counter signature from RTA Thrissur even after the expiry of regular permit on 19.06.2011. According to the applicant the service was operated during the entire period of validity between Palakkad and Pattambi, which lies in Palakkad district.

As per the section 88(1) of MV Act 1988, a permit granted by RTA of one region shall not be valid in any other region unless the said permit has counter signed by the RTA of that other region. The permits are issued for a specific route and when the permit is sought to be renewed, there should be a valid permit for operation throughout the route. A validly existed permit on specific route alone can be renewed u/s 81(1) of MV Act. If counter signature from the authority of a particular region is not obtained, in respect of a permit on a route, it cannot be said that the permit is valid on that region and thereby the said permit not valid permit for operating on entire route. In this case, the counter signature from RTA Thrissur was necessary to make the permit entirely valid. Therefore, this permit No.C6/10/2006/P issued on 22.06.2006 on the route Guruvayur – Palakkad cannot be considered as the validly existed regular permit renewable u/s 81 of MV Act and clause 4 of notification G.O.(P) No.42/2009/Tran dated 14.07.2009.

Challenging the above decision, the applicant preferred MVAA No.315/2011 before the Hon’ble STAT Ernakulam and the Hon’ble STAT in its final Judgment dated 24.07.2014 directed to re-consider the application for renewal of permit and temporary permit filed by her on the route Palakkad – Pattambi after affording an opportunity of being heard the appellant as well as the KSRTC. Then the matter was considered and rejected by RTA by circulation on 24.10.2014 on the ground that there was objectionable overlapping on the route and there was no urgent temporary need on the route Guruvayur – Palakkad.

On 26.02.2016, the applicant produced the copy of the Judgment in WP(C ) No.33910/2014 dated 29.09.2015, which directed the RTA Palakkad to consider the application dated 02.06.2015 for renewal of the existing permit on the modified route Pattambi – Palakkad with notice to the petitioner and KSRTC, in the next meeting of RTA with the observation that the petitioner asserted that this application was filed in consonance with decision of RTA dated 24.10.2014 and the order dated 24.07.2014 of Hon’ble STAT Ernakulam.

On 04.11.2019, the permit holder produced the Judgment dated 25.10.2019 in WP(C) No.28037/2019 (D) of Hon’ble High
Court of Kerala, Ernakulam, in which the RTA Palakkad is directed to take a decision on the application for renewal of permit on the modified curtailed route Pattambi - Palakkad in the light of the Judgment in WP(C ) No.33910/2014 dated 29.09.2015 within a period of six weeks after notice of petitioner and affected persons, considering his representation dated 09.10.2019 (received on 19.10.2019) addressed to DTC Thrissur.

Hence, the matter is reconsidered with notice to the applicant as well as KSRTC and other operators. The representative of KSRTC as well as en route operators have strongly objected to granting renewal of permit on the modified route stating that this vehicle is non operative for the past ten years and timings for this service is not currently available.

The application for renewal of permit can be considered only with respect to the original route and the permit granted to the applicant in 2006 by the primary authority cannot be said to be as legal and operational in the absence of counter signature by the sister authority which has refused to give counter signature on the ground of the proposed route being one which overlaps notified scheme. Hence, this authority finds the request dated 02.06.2015 seeking renewal of permit on the modified route Palakkad - Pattambi by the applicant is devoid of merits and rejected.

Moreover, the stage carriage attached to the regular permit on the above route ie KL-08-AJ-9550 was issued clearance certificate to SRTO Ottapalam as early as 12.10.2012 by keeping the above regular permit under suspended animation on the basis of the Order of Hon’ble STAT Ernakulam in MP No.668/2012 dtd.24/07/2012 in MVAA No.315/2011 and the permit is non operational since then.

At present, there is no stage carriage attached to this permit. A permit cannot exist without a suitable vehicle being available. This could be a sufficient reason for cancellation of this permit in view of the observations of the division bench of the Hon’ble High Court of Kerala in the judgment dt 06.04.2016 in WA no.2486,2455,2769 of 2015. Hence, in exercise of the powers conferred upon under sub-section(1) of section 86 of the Motor Vehicles Act 1988 read with the rule 185 of Kerala Motor Vehicles Rules,1989, this Authority hereby cancel the regular stage carriage permit C6/10/2006/P with immediate effect. The permit holder is directed to surrender the original permit immediately before the Secretary, RTA, who is directed to record in the permit the order of cancellation.

Item No.33
2. Heard. The RTA, Palakkad in its meeting held on 03.07.2017 in item no.124 already considered the matter and rejected it as per the following decision.

"Heard. This is an application for renewal of permit no. 9/1098/2001 valid up to 14/12/2016 in respect of the stage carriage KL-10-L-8637 which attained 15 years on 28.06.2016 and an application for replacement by a later model vehicle KL-50-C-1459.

In this case this authority verified the previous history of the permit and found that a transfer of permit application was considered by this authority in the meeting held on 10.12.2013 item no.145 and the same was allowed. But, the transferee did not avail the above decision during the currency of the permit as well as within the currency of the registration validity. The route bus attained 15 years on 28.06.2016, but the application for renewal of permit was filed by the permit holder on 13.12.2016 just one day before the expiry of permit on 14.12.2016 and the application for replacement was seen filed by the transferee in whose name transfer of permit was earlier granted by RTA dt.10.12.2013.

In this context, it may be noted that the division bench of Hon’ble High Court of Kerala in Jaffer V. Usman (2015(4) KLT 590) has already laid down that an application for renewal of permit cannot be made without a suitable vehicle being available. In this case, there is no suitable vehicle owned by the permit holder at the time of consideration of the application for renewal of permit and the vehicle offered for replacement is owned by another person. Hence, the applications for renewal of permit and replacement are not maintainable and rejected."

The matter was placed before this authority in its meeting held on 25.02.2019 in item no.31, when the permit holder produced the current records of the incoming vehicle KL-50-C-1459 after transferring the ownership of the vehicle in his name and requested to reconsider his application for replacement and renewal of permit. But the RTA dismissed the application since it could not review its own order passed under its quasi-judicial authority, which was appealable under section 64 of the Act and observed that the aggrieved person had the right to prefer an appeal before the appropriate authority but the applicant did not do so.

Subsequently, the permit holder preferred an appeal MVAA no.79/2019 before the STAT and this authority perused the order of the tribunal pronounced on 16.07.2019, which set aside the decision of RTA and has reconsidered the matter as directed.

Now that the vehicle offered for replacement is also owned by the permit holder at the time of consideration of the application, delay is condoned and renewal of permit as well as replacement by a later model vehicle is granted subject to
conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable & clearance of Govt.dues, if any and subject to clearance of tax arrears if any in respect of the outgoing vehicle.

Item No.34

1. Perused the judgment dt.11.11.2019 in MVAA no.67/2019 by the hon’ble STAT.
2. Heard. This is a belated application for renewal of intra-district permit (9/456/2003) in respect of the stage carriage KL-09-P-8844, which was issued prior to 14.07.2009 on the route Tholanur–Palakkad. The regular permit expired on 01.09.2018, but the application for renewal of permit was filed on 29.01.2019, which was after the expiry of permit along with a request for condoning the delay. Earlier, the RTA dt. 25.02.2019 in item no.29 considered the matter and rejected citing that there was inordinate and unjustifiable delay in submitting the application. This decision was set aside by the STAT in the above judgment with direction to consider the matter in accordance with law.

Hence, the delay is condoned and renewal of permit is granted subject to remittance of a compounding fee Rs.10000/- and subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.35

Heard. This is a belated application for renewal of inter-district permit(9/1030/2001) in respect of the stage carriage KL-09-Q-9841, which was issued prior to 14.07.2009 on the route Cherplassery–Valanchery. The regular permit was valid upto 12.07.2019, but the application for renewal of permit was filed on 30.08.2019, which was after the expiry of permit along with a request for condoning the delay. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. The enquiry report submitted by the field officer, Malappuram has been perused. As there is no legal impediment found against renewal of this permit, delay is condoned and renewal of permit is granted subject to remittance of a compounding fee Rs.10000/- and subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Item No.36

Heard. The stage carriage KL-52-3923 covered by the permit 9/630/2005 was issued a clearance certificate on 12.10.2015 as per the order dt.25.08.2015 of Hon’ble High Court of Kerala in WP(C) no.26005/2015, by keeping the permit under suspended animation, subject to the condition imposed by the court that the petitioner shall produce records of the vehicle to be substituted within four months and if it is not produced, permit shall stand cancelled. But, the permit holder failed to produce any suitable vehicle for replacement to conduct service on the above route and make the permit operational for the benefit of the travelling public on the route within the above prescribed period of time.

Hence, in view of the observations of the division bench of the Hon’ble High Court of Kerala in the judgment dt 06.04.2016 in WA no.2486,2455,2769 of 2015 and in exercise of the powers conferred upon under sub-section(1) of section 86 of the Motor Vehicles Act 1988 read with the rule 185 of Kerala Motor Vehicles Rules,1989, this Authority hereby cancel the regular stage carriage permit 9/630/2005 with immediate effect. The permit holder is directed to surrender the original permit immediately before the Secretary, RTA, who is directed to record in the permit the order of cancellation.

Item No.37

Heard. Transfer of permit is allowed,(1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.38

Heard. Transfer of permit is allowed,(1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.39

Heard. Transfer of permit is allowed,(1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.40
Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.41**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.42**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.43**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.44**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.45**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.46**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any
(3) subject to compliance of the guidelines regarding the
verification procedure of address proof issued by the Transport
Commissioner.

**Item No.47**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.48**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.49**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.50**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.51**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.52**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations
laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC
from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.53**
Vide decision in Supplementary item no.5.

Item No.54

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.55

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.56

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.57

Heard. This matter was adjourned on two earlier occasions by this authority. First, due to the absence of the applicants and the next on the ground that the route bus KL-09-L-5031 covered by the permit attained 15 years of age on 10.11.2017. Now that the Govt. of Kerala amended 260A of KMV Rules, 1989 as per G.O.(P) No.4/2019/Tran dated 29.01.2019 and extended the life span of ordinary stage carriages from 15 to 20 years, the matter is considered again.

Hence, **transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.58

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Item No. 59

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No. 60

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No. 61

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No. 62

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No. 63

Heard. Delay in intimating the death of the permit holder and submitting the application for transfer of permit are condoned by this authority on convincing that the applicant is prevented by good and sufficient reasons from filing in-time intimation and application. Transfer of permit is allowed to the name of Smt. Usha Gopi (wife of the deceased), subject to (1) compliance of all legal procedures by Secretary & (2) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No. 64
Heard. (1) **Transfer of permit is allowed** in favour of the legal heir Sri. K.C Sundaramoorthy (son of the deceased), **subject to** (1) compliance of all legal procedures by Secretary & **remittance of the requisite fee for transfer of permit/ownership(death)** and (2) **renewal of permit** in respect of the stage carriage KL-57-D-8591, which was issued prior to 14.07.2009 on the intra district route Olavakkode-Kozhinjampara is also granted subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O.(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Supplementary item no.1**
1. Perused the Judgment dated.06.12.2019 in WP(C) No.31622/2019 (C) of Hon’ble High Court of Kerala, Ernakulam.

2. This matter has been considered by the RTA with notice to various Bus operators’ associations, KSRTC and the secretary, Palakkad Municipality as well as SI of police, Traffic Police station, Palakkad. Earlier, the Regional Transport Authority, Palakkad in its meeting held on 15.11.2018 in item no.1, took the following decision with regard to the Municipal Bus Stand issue.

"1) Perused the interim order dt.11.10.2018 in WP(C) no.31293/2018(J) by the Hon’ble High Court of Kerala.

2) Heard the stakeholders and considered the request of the secretary, Palakkad Municipality. Having perused the reports of the Motor Vehicles Inspector, the Police as well as the Municipal Authorities in this regard, this authority has come to the view that as a temporary measure, the municipal Bus Stand can be functioned as a bus bay and all bus services, which earlier operated from the said Stand, are directed to enter the stand and make use of the space provided for picking up and setting down the passengers and leave the place, taking into account of the safety and convenience of the travelling public. Besides, the public shall be restricted in accessing the bus stand building.

In the meantime, the municipal authorities shall take urgent steps to start the renovation work of the Bus stand and a team of competent officers of the concerned departments shall examine and report about the condition of the Bus stand after renovation work is done by the authority concerned. The secretary is directed to submit the above report to this authority for considering the matter again."

Despite the above decision which was upheld by the Hon’ble High court of Kerala is in force, most of the bus operators from Kozhikode, Mannarkkad and Kanjirapuzha side are reluctant to conduct service through the Municipal bus stand using it as a bus bay.
It is understood that there are widespread complaints from the general public against this defiant attitude of these stage carriage operators which causes difficulty to passengers who commute from the Municipal Bus stand area to other parts of the district.

This authority heard the municipal chairperson in this regard in the presence of the representatives of the district police chief as well as traffic Police and also heard the counsel for petitioners and the additional impleaded respondents in the above writ petition (WP(C)No.31622/2019(C)) and other stake holders including representatives of various bus operators’ associations.

Having perused the enquiry report of the field officer and heard the various views raised in the meeting by the stake holders and weighed the pros and cons of the matter in the wake of the demolition of the municipal bus stand as part of its renovation, this authority recommends that temporarily all bus services, which earlier operated from the Municipal Bus Stand, touch Municipal Bus Stand on their up-ward and down-ward journey. The up-ward journey can be through Stadium bus stand, Sulthanpet Jn. G.B.Road, Municipal bus stand, Tharekkad Jn, Victoria College, Olavakkode and on return journey they are to traverse via Olavakkode, Victoria College, Tharekkad Jn. Municipal bus stand, back to Tharekkad Jn, Head post Office, Sulthanpet Jn, Stadium bus stand.

Necessary traffic arrangement shall be made by the authorities concerned for the implementation of the above decision by making the presently widened G.B.Road as a one way for bigger vehicles (from Municipal Stand to Sulthanpetta Jn) and allowing parallel parking only for two wheelers on this road, causing the least distance of traverse for bus operators in the busy town and allowing them to touch the Municipal bus stand as decided by this authority.

Supplementary item no.2

Heard the matter with notice to KSRTC as well as various bus operators’ associations and perused the following newspaper reports against stage carriage operators and to take appropriate actions as per law on the matter as instructed by the chairman RTA, Palakkad, (i) It is reported that stage carriages services on Palakkad-Kongad-Cherpllassery route are allegedly operating as per the timings unauthorisedly fixed and being enforced by way of illegal punching at intermediate places( Olavakkode, Kongad, Kadambazhipuram) by a Kongad based bus operators’ association , resulting in over speeding and accidents related to stage carriages

(ii) It is reported that stage carriage operators are reluctant to enter their prescribed bus stands during night and forcing the
passengers including women to set down at some other stops against their wish, putting them into difficulty.

This authority perused the enquiry reports of the field officer on these complaints. (i) With regard to the first complaint, it is revealed that the private bus operators' association seems to have engaged their representatives for watching and verifying whether the bus services on the route Palakkad-cherplassery are keeping their time schedule. But, under observation, it is not noticed that they are forcing any operator to conduct the service at a timing earlier than allotted and this arrangement is said to be for averting unnecessary disputes among the operators regarding the timings and no significant differences are found in the operating timings of these stage carriages from their actual set of timings.

On perusal of records, it is seen that notices were issued to various bus operators' associations in the district with instructions to discontinue this kind of practice (self styled illegal punching system) forthwith if it was operational and not to engage in the activity of framing their own timings and forcing the crew of bus services to follow the fabricated timings instead of those issued by RTA. Hence, the secretary RTA shall take necessary steps to watch frequently the service of the stage carriages on this route to ensure bus operators fall in line with rules and regulations.

(ii) regarding the second compliant, the secretary, RTA is directed to conduct regular night checking and to caution the bus operators, who force the passengers to get down on the way, not to make way for such incidents and stringent action shall be taken against those violating the permit conditions.

**Supplementary item no.3**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Supplementary item no.4**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Supplementary item no.5**
Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any

**Supplementary item no. 6**

The applicant is absent. This is an application for renewal of inter-district permit (9/670/1997) in respect of the stage carriage KL-08-AM-6282, which was issued prior to 14.07.2009 on the route Thrissur-Govindapuram. The enquiry report submitted by the field officer has been perused. The regular permit is valid upto 11.01.2020 and the application has been filed in time. But the applicant has not appeared before the authority. **Hence, the decision on the application for renewal of permit is adjourned** with direction to the Secretary to place the matter again in the RTA with notice to the applicant.

Sd/-

Sri. Suresh.M  
Deputy Transport Commissioner  
Central Zone-1, Thrissur  
& Member-RTA, Palakkad

Sd/-

Sri. D. Balamurali IAS,  
District Collector, Palakkad  
& Chairman-RTA, Palakkad