Minutes of Regional Transport Authority, Malappuram

Held on 01.02.2019

Present:

1. Sri. Amit Meena IAS, District Collector; Chairman of RTA, Malappuram.
2. Sri. Prateesh Kumar IPS, District Police Chief & Member, RTA Malappuram
3. Sri. M.P. Ajithkumar, Deputy Transport Commissioner (C Z 1); Member, RTA

Item No.1

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Valaniyl – Pandikkad – Manjeri touching Panthallur Church and Perimbalam. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No. 2

Heard.

This is to consider the modified application for regular Stage Carriage permit to operate on the route Kuttippuram – Puthananthani. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.
**Item No.3**

Heard.

This is to peruse the judgment of Hon. STAT in MVAA No. 159/2018 of 2018; Dtd. 25.05.2018 and also to re-consider the application for regular Stage Carriage permit to operate on the route Nariparamu- Puthanpalli-Chirakkal. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. As per the report of route enquiry officer out of the total route length 47.1 Kms, a distance of 3.8 Kms is passing through Thrissur District. Concurrence from Sister RTA, Thrissur is necessary for further consideration of the application. Therefore, in obedience to the directions contained in the aforesaid judgment, fresh regular stage carriage permit on the proposed route has been re-considered and **adjourned** the decision for want of concurrence. Secretary, RTA will seek concurrence from Sister RTA, Thrissur and place the application before this authority.

**Item No.4**

Heard.

This is to peruse the directions contained in the Judgment of Hon. STAT in MVAA No. 3/2018; Dtd. 22.09.2018 and also to re-consider the application for fresh S/C permit to operate on the route Nariparambu- Edappal-Changaramkulam-Ponnani. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

This authority has previously considered the application held on 30.05.2017, in Item No. 17 and the decision was adjourned with a direction to obtain fresh enquiry report. Again, the application was considered on 24.10.2017 in Item No. 3 and rejected the same with following observations:

- As per the traffic system existing in Ponnani from 2005 onwards, all stage carriages from Edappal to Ponnani are operating through Kodathipadi. During return journey from Ponnani to Edappal stage carriages are operating through portion of MLA Road.

- The total route length and total overlapping distance with the notified route has to be calculated via. Kodathippadi. In that case, the total distance of overlapping will be 5.1 Kms. and the overlapping distance will be more than that of the permissible limit. The major contention is that in order to circumvent from the notified route, the applicant has intentionally hide the original route via Kodathippadi and proposed only the route through MLA road.
• We are of the common view that the objections raised by the en-route operators were sustainable and also the findings of the route enquiry officer. Stage carriage operations from Ponnani to Edappal and return via MLA road or portion of MLA road exclusively is not possible as per the existing traffic system in Ponnani.

Against the decision of RTA, the applicant has approached Hon. STAT and major contentions were

• It is mentioned that the permit is sought through MLA road where as other buses are operating through Kodathippady; there are two roads from C V Junction to Private bus stand one is through Kodathippady and the second is through MLA Road which is newly constructed road passes through highly populated area. There are a number of public representations also requesting to provide sufficient stage carriages through this portion including deviation of the existing services so as to get benefit for the public due to the construction of the road.

• There is no restriction for stage carriage operation through this road.

The applicant has produced a Judgment in MVAA No. 3/2018 Dtd. 22.09.2018 in which Hon. STAT has set aside the decision of RTA stating that a mistake of fact is occurred in the decision of RTA and directed to re-consider the regular permit application.

The application was re-considered by this authority in the light of the observations made by Hon. STAT in the aforesaid judgment and also considered the observations made by the route enquiry officer.

The objections made for and against the application were also considered as per law. This authority is of the view that as directed by the Hon. STAT, the error, if any, has to be rectified. In that case, a detailed enquiry report is highly essential to take a correct approach on this application and also a fitness certificate from the concerned authority if it is a newly constructed road. The Secretary RTA will obtain a detailed enquiry report based on the observations made by Hon. STAT and place before this authority as early as possible.

Hence decision on this application is **adjourned**.

**Item No.5**

Heard.

This is to consider the application for fresh stage carriage permit to operate on the route Kerala Estate – Kozhikkode – Palayam Stand as Limited Stop Ordinary Service. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that by limiting the stops of a permit will deprive the need of travelling public in general. In the case of this permit, the route enquiry officer has reported that the frequency of bus service in Kerala Estate – Manjeri is about one hour and also he has reported that there is no direct bus service
between Kozhikkode Palayam to Kerala Estate during night. Things are being so, the stops of this service need not be limited for the benefit of long distance passengers. Thus, we are of the opinion that the application can only be considered as Ordinary Service. As per the report of route enquiry officer, out of the total route length 133.1 Kms, a distance of 28.6 Kms is passing through Kozhikkode District. Concurrence from Sister RTA, Kozhikkode is necessary for further consideration of the application. Therefore, the decision on the above application is adjourned for want of concurrence as Ordinary Service. The applicant has to modify the timings for Ordinary Service. Secretary, RTA will seek concurrence from Sister RTA, Kozhikkode and place the application before this authority.

**Item No.6**

Heard.

This is to consider the application for fresh stage carriage permit to operate on the route Kondotty – Vengara. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.7**

Heard.

This is to consider the application for fresh stage carriage permit to operate on the route Kadampuzha – Vengara – Tanur – Chemmad – Cherekkad – Kadampuzha – Vengara – Tanur – Chemmad – Cherekkad. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary,
City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.8**

Heard.

This is to consider the application for fresh stage carriage permit to operate on the route Vengara – Malaparamba – Pullanchal Puthenpeedika Road. This authority verified the application and connected documents in detail. As per the report of Motor Vehicle Inspector, Kilinakkode to Kundil road via Muthuvilpara is virgin portion. There is vehement objection in the open hearing of this authority that the width of the road in virgin portion is not fit for stage carriage operation. This authority is of the view that this has to be verified further. Again, it is observed that the fare stages for virgin portion has not been fixed and published. We have also considered all the objections raised in the open hearing of this authority as per law.

Thus, Secretary RTA will further conduct an enquiry to ascertain the width of the road and also fix the fare stages for virgin portion and publish for public opinion. Hence decision on this application is **adjourned**.

**Item No.9**

Heard.

This is to consider the application for fresh stage carriage permit to operate on the route Vengara – University. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.10**

Heard.

This is to re-consider the application for regular Stage Carriage permit to operate on the route Karachal – Mampad - Wandoor. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing
of this authority including that of the KSRTC representative as per law. As per the report of the Motor Vehicle Inspector, there is virgin portions from

- Pullippadam to Karachal - 2.2 Kms
- Odayikkal to Beembungal - 0.9 Kms
- I K Hall Junction to PHC Road Jn (By-Pass) - 0.5 Kms

The applicant has also produced a copy of the road fitness certificate issued by
i) the Executive Engineer, LSGD Division, Malappuram. As per the report road from Pullippadam to Karachal (2.2 Kms) is fit for stage carriage service under normal weather condition.

ii) the Assistant Engineer, LSGD Section, Mampad Grama Panchayath; and as per the report road from Mampad College Road to CNG Road (Rajeev Gandhi Road – 0.5 Km.) and CNG Road to Puzhakkadavu (Beembungal – Puzhakkadavu Road -0.300 Km) is fit for stage carriage operation.

The virgin portion mentioned in the report of the Motor Vehicle Inspector are different from the report (ii) mentioned above, thus, based on this report, we could not arrive at a conclusion that whether the virgin portion mentioned in the report of the route enquiry officer is fit for stage carriage operation in normal weather conditions or not. Hence we are of the common opinion that a detailed report on road fitness, specifying the virgin portion exactly as suggested by the route enquiry officer is highly essential to take a right approach on this application and hence the decision on this application is adjourned. The Secretary RTA will seek a road fitness certificate from the concerned authority and place before this authority.

**Item No.11**

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Kuttippuram – Kadampuzha – Vendallur – Tirur. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. There was an objection regarding the total length of the proposed route and the same is verified by the report of route enquiry officer. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of
KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.12**

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Pookkottumannakkadavu – Pallikkuth. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. The road fitness certificate issued is verified and also approved the fare stages fixed by the route enquiry officer. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.13**

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Pandikkad – Perinthalmanna – Wandoor. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. There was an objection that the total overlapping on the proposed route is more than 5% of the total route length and the same is overruled based on the report of route enquiry officer. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.
Item No.14
Heard.
This is to peruse the Judgment of Hon. High Court of Kerala in WP(C) No. 42250 of 2018 Dtd. 21.12.2018 and also to consider the application for regular Stage Carriage permit to operate on the route Tirur – Kottayai Azhimugham – Kuttippuram. This authority has perused the directions contained in the judgment, verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted as per the directions in the aforesaid judgment of Hon. High Court of Kerala to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.15
Heard.
This is to peruse the Judgment of Hon. High Court of Kerala in WP(C) No. 42078 of 2018 Dtd. 21.12.2018 and to consider the application for regular Stage Carriage permit to operate on the route Theyyala – Tirur – Puthanathani – Kuttippuram. This authority has perused the directions contained in the judgment, verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. There was an objection stating that the applicant has taken the permit for trafficking; however there no valid documents were produced to support the objection and hence it is overruled. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is granted as per the directions in the aforesaid judgment of Hon. High Court of Kerala to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of
this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.16**

Heard.

This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 9908 of 2018; Dtd. 14.12.2018 and also to consider the application for fresh stage carriage permit to operate on the route Ayankalam– Kumbidi. This authority has perused the directions contained in the judgment, verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. However, as per the report of route enquiry, a distance of 16.3 Kms. lies in the jurisdiction of RTA Palakkad. Hence as per law, concurrence from that authority is highly essential for proceeding further on this application. Secretary, RTA is directed to obtain concurrence from Sister RTA Palakkad for the portion passing through their jurisdiction and place the application before this authority. Hence decision on this application is **adjourned**.

**Item No.17**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6900(10/31/2013) for a period of five years on the route Ponnani - Malapuram-Tirur-Vettam as OS by the Managing Director, KSRTC. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.18**

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Tirur –Manjeri via Malappuram by the Managing Director, KSRTC. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight
years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.19**

Heard.

This is to consider the application for regular Stage Carriage permit to operate on the route Tirur – Manjeri via Malappuram by the Managing Director, KSRTC. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the regular permit as sought by the applicant. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in Departmental item 1, that the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS stage carriage as eight years, within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.20**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6602(10/24/2013) for a period of five years on the route Nilambur – Thelppara - Kozhikkode as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.21**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6423 (10/33/2013) for a period of five years on the route Muthukurusi - Perinthalmana – Pattambi - Valanchery as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of
regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.22**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6554 (10/42/2013) for a period of five years on the route Nilambur – Erumamunda-Kozhikode as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.23**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6610 (10/40/2013) for a period of five years on the route Nilambur-Marutha-Kozhikode as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.24**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6619 (10/44/2013) for a period of five years on the route Nilambur-Palengara-Kozhikode as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.25**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15 6877 (10/30/2013) for a period of five years on the route Palakkad - Kozhikode as LSOS with regular Permit (10/30/13) as ordinary service by the Managing
Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is granted.

**Item No.26**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6769 (10/23/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit (10/23/2013) as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is granted.

**Item No.27**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6830 (10/29/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is granted.

**Item No.28**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6569 (10/41/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is granted.
**Item No.29**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6573 (10/43/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.30**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6700 (10/36/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.31**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6640 (10/36/2013) for a period of five years on the route Nilambur-Vazhikadav-Kozhikode as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law. We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is **granted**.

**Item No.32**

Heard.

This is to consider the application for renewal of regular permit in respect of the Stage Carriage KL-15-6871 (10/34/2013) for a period of five years on the route Malappuram Palakkad as LSOS with regular Permit as ordinary service by the Managing Director, KSRTC. This authority has verified the application and connected documents in detail. We have also considered all objections raised in the open hearing of this authority as per law.
We are of the common view that there is no legal impediment in granting the renewal of regular permit as sought by the applicant. Therefore renewal of regular stage carriage permit on the proposed route is granted.

**Item No.33**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Kalikavu by this authority held on 25.09.2018 in Item No. 9. The request was considered and allowed maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No.34**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Kalikavu by this authority held on 25.09.2018 in Item No. 10. The request was considered and allowed maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.
**Item No.35**
Heard.
This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Kalikavu by this authority held on 25.09.2018 in Item No. 12. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’
Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No.36**
Heard.
This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Kalikavu by this authority held on 25.09.2018 in Item No. 16. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’
Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No.37**
Heard.
This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Puthanathani – Thirunavaya by this authority held on 25.09.2018 in Item No. 21.
The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No.38**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Tirur – Tirunavaya Navamukunda Temple by this authority held on 25.09.2018 in Item No. 2. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No.39**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Kondotty – Areacode by this authority held on 25.09.2018 in Item No. 13. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration
of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No. 40**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Cherekkad – Vengara by this authority held on 25.09.2018 in Item No. 20. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No. 41**

Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Purathur – Kuttippuram – Tirur by this authority held on 25.09.2018 in Item No. 11. The request was considered and **allowed** maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause
notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No. 42**
Duplication of Item No. 41 – Deleted.

**Item No. 43**
Heard.

This is a request for granting maximum time as per Rule 159 of Kerala Motor Vehicles Rules 1989 for producing current records for endorsing the granted permit on the route Ottumpuram-Tirur by this authority held on 25.09.2018 in Item No. 3. The request was considered and allowed maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

Thus, the applicant has to produce the certificate of registration as specified by law within four months of sanctioning of permit and if he failed to produce such vehicle, the Secretary RTA has to initiate the process for revoking the granted permit by issuing a show-cause notice through registered post, hear the applicant in person and place a detailed note before this authority without fail.

**Item No. 44**
Heard.

This is a request for accepting current records for endorsing the granted permit after settlement of timings on the route Chembra Colony – Edakkara (via) Santhigramam, Vaidyasalladi, Bhoodanam Colony, Thudimutti, PanamkayamPalam, Nhettkulam, Pothukallu, Kuriz, Chembankolli, Uthiramkulam, Nallamhanni Mukku, Manakkad, Karunechi, Millumpadi, Musiliarangadi, one single trip from Edakkara via. Changaramkulam, Palemad, Pallippadi and Unichantha; 2 single trips via Nallamthanni, with two single trips touching Kodalipoyil from Pothukallu as Ordinary Service by the Regional Transport Authority, Malappuram held on 24.10.2017 in Item No. 2 subject to the production of current records of a suitable stage carriage with specification as mentioned in STA held on 14.06.2017; Departmental Item No. 2 within one month from the communication of decision. The decision was communicated to the applicant on 14.12.2017 Now, on 12.09.2018, that is after eight months the grantee of the permit has produced the current records of a stage carriage KL 59 F 9497 with a request to accept the same for endorsement of the granted permit.
This authority has considered the request of the grantee of the permit for endorsing the granted permit by this authority held on 24.10.2017 in Item No. 2 in the light of the directions contained in Rule 159 (2) of Kerala Motor Vehicles Rules, 1989 which states, ‘the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit.’

In this case, the applicant has failed to produce the stage carriage before the Secretary, RTA within the stipulated period and hence it is a clear violation of Rule 159 (2) of KMVRs. The request made by the applicant in the open hearing of this authority were also heard and considered as per law. Thus, we are of the common opinion that the intentional negligence from the part of the grantee of the permit on for producing the current records of a suitable stage carriage need not be condoned. However the applicant is free to submit an application for fresh stage carriage permit on the route for fresh consideration before this authority. Hence the request of the applicant is rejected and the decision taken by this authority to grant a fresh, regular stage carriage permit held on 24.10.2017 in Item no. 2 has been revoked.

Item No.45
Heard.

This is to consider the application for variation of regular permit in respect of the stage Carriage KL 11 X 631 operating on the route of Tirur-Vengara-Vylathur-Karkinapara Kozhichen-Kakkad-Kooriyad and Kacheripadi. The permit holder has applied for variation of permit for deviating the two single trips from Perumanna Junction to Vailathur Via Kuttipala instead of Via Karinkapara and extension of the route from Chemmad to Parappanangadi (2 single trips) and trip curtailment from Kooriyad to Vengara ( 2 single trips) and time revision of the existing regular route.

This authority verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes curtailment of trips from Kooriyad to Vengara. This authority is not convinced on the very fact that how the deviation and extension of the route is overweighed/beneficial for the public to the curtailment. The report of the route enquiry office is also not convincing on this aspect. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Also, revision of timings is not at all in the purview of permit variation. Thus, this authority
is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation of permit.

**Item No.46**

Heard.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 11 X 2253 on the route Edakkattuparamb- Areacode. The permit holder applied for changing halting place from Edakattuparma to Areecode by providing additional 2 single trips in between Areecode and Thottumukkam, and slight changes on the existing regular route without curtailment.

This authority verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes change in halting place by providing additional single trips and changes on the existing regular route. Change in halting place is against Section 80 (3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the additional trips of the route is beneficial for the public. The report of the route enquiry office is also not convincing on this aspect. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation of permit.

**Item No.47**

Heard.

This is to peruse the Judgment from the Hon. High Court of Kerala in WP(C) No. 30692 of 2018 Dtd 12.10.2018 and also to consider the application for variation of permit in respect of the Stage Carriage KL 65 K 1011 on the route Kilnakode-Kozhikode. The permit holder applied for curtailing the portion from Kilnakode to Vengara 5 km without changing the existing timings.

This authority has pursed the directions contained Judgment, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered
all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes curtailing the portion from Kilnakode to Vengara 5 km without changing the existing timings. Curtailment of existing portion of the route is against the interest of common public and it is a clear violation of Section 80 (3) of Motor Vehicles Act; the report of the route enquiry officer was also throws light on to this fact. Further, this authority is not convinced on the very fact that how the curtailment on the route is beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation of permit.

**Item No.48**

Heard.

This is to consider the application for variation of permit in respect of the stage carriage KL 39 C 184 on the route Karimbanthodi-Wandoor. The permit holder applied for extending the route from Karimbanthodi to Karad without curtailment and without changing existing timings on the existing regular route.

This authority verified the application and connected documents including the report of Motor Vehicles Inspector in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is allowed subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.49**

Heard.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 37 A 1303 on the route Pookkottumanna Kadav-Chungathara. The permit holder applied for extension from Chungathara Bus Stand to Pallikut Via Loottapadi Konnamanna and Cheerakuzhi with return trips via , Ambalapadi (20 single trips) on the existing regular route.
This authority verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes applied for extension from Chungathara Bus Stand to Pallikuth and Cheerakuzhi on the existing regular route. By changing the existing timings. The report of the route enquiry officer was clearly stated that the change in existing timings will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the extension and proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation.

Item No.50

Heard.

This is to peruse the common Judgment in MVAA No 198/2018 dtd 03.11.2018 from Hon. High Court of Kerala and to reconsider the application For variation of Permit which was rejected by this authority held on 19.04.18 vide item No 22 in respect of the stage carriage KL 10 AH 541 (replaced from KL 10 Z 4443) on the route Pookkottur- Kalikavu. The permit holder applied for additional trip from Manjeri to Kizhakkke Pandikaad and then extension from Kizhakkke Pandikkad to Thekkumpuram (2 Single Trips) in the early morning without curtailment on the existing regular route.

This authority has perused the directions in the judgment of Hon. STAT, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is allowed subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.
Item No. 51
Heard.
This to peruse the common Judgment in MVAA No. 53/18 dtd 03.11.2018 from Hon’ble STAT and to reconsider the application for regular variation which was rejected by RTA which held on 10.01.18 vide item No 27 in respect of the vehicle KL 56 1888, operating on the route, Karulai – Manjeri. The permit holder has applied for regular variation of conditions of permit so as to provide additional trip from Karuvarakundu To Ayilasseri and extension from Ayilasserry to Mampuzha during rest time at Karuvarakundu without curtailment on the existing regular route.
This authority has perused the directions in the judgment of Hon. STAT, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.
Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is **allowed** subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No. 52
Heard.
This to Peruse the Judgment in WP(C) No. 182 of 2018 dated. 15.03.2018 of he Hon. High Court of Kerala and hence to consider the application for regular variation in respect of the vehicle KL 10 Y 1176, operating on the route Wandur – Nilambur. The permit holder has applied for regular variation of conditions of permit so as to provide additional 2 single trips between Wandoor and Nilambur Subrahmanyakshethram and two single trips between Wandoor and Karimbanthodi and two single trips between Wandoor and Karad without curtailment on the existing route.
This authority has perused the directions in the judgment of Hon. High Court of Kerala, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law. We have also verified the sketch...
submitted by the route enquiry officer and found that the bus stand is 700 Mts. away from Nilambur Subrahmanyaswamy Temple. Furthermore this authority is of the view that Subrahmanyaswamy Temple cannot be taken as a termini. There were many objections that there is not enough space to turn the bus in this proposed new termini. Objections were found sustainable. Again, stopping a service just before the bus stand will not be beneficial for the public traversing towards Nilambur and which is against Section 80(3) of Motor Vehicles Act. No special circumstances has arisen in this context as explained in KMVRs 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation

**Item No. 53**

Heard.

This is to consider the application for regular variation in respect of the vehicle KL 6 D 1246, operating on the route Valanchery-Kuttipuram. The permit holder has applied for regular variation of conditions of permit for time change and curtailment of 4 single trips from the Valanchery-Karthala Chunkam sector on the existing regular route.

This authority has pursed the directions contained Judgment, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes curtailing the portion from Valanchery to Karthala Chunkam. Curtailment of existing portion of the route is against the interest of common public and it is a clear violation of Section 80 (3) of Motor Vehicles Act; the report of the route enquiry officer was also throws light on to this fact. Further, this authority is not convinced on the very fact that how the curtailment on the route is beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation of permit.

**Item No. 54**

Heard.

This to Consider the application for regular variation in respect of the vehicle KL 23 C 2545, operating on the route, Karulai-Munderi. has applied for regular variation of conditions of
permit so as to provide two additional single trips each on the Pothukallu- Kodalipoil and Pothukallu –Pathar sectors.

This authority verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes provide two additional single trips each on the Pothukallu- Kodalipoil and Pothukallu –Pathar sectors by changing the existing timings. The report of the route enquiry officer was clearly stated that the change in existing timings will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the extension and proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7).

Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation

Item No.55

Heard.

This is to peruse the Judgment in M. V.A. A. No. 197/2018 and hence to re-consider the application for variation of permit in respect of the stage carriage KL 10 Z 4443 (now replaced by KL 12 D 2772), on the route Pookkottur- Kalikavu so as to provide additional trip from Manjeri to Kizhakke Pandikkad and then extension from Kizhzkke Pandikkad to Thekkumpuram in the early morning without curtailment on the existing regular route.

This authority has perused the directions in the judgment of Hon. STAT, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. There is objection that road fitness has to be obtained for the additional portion and however upon verification of connected files, MVI has reported that there is no virgin portion in the proposed route and hence the objections were overruled. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is allowed subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for
endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159(2) of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.56**

Heard.

This is to peruse the Judgment in M. V . A. A. No. 216/2018 and hence to re-consider the application for regular variation in respect of the vehicle KL 03 P 4695, operating on the route, Kalikavu-Wandoor –Pookkottumpadom with halt at Panampoyil. The permit holder has applied for regular variation of conditions of permit so as to provide two additional single trips each between Vaniyambalam and Kalikavu and between Kalikavu and Panampooil, without curtailment on the existing regular route.

This authority has perused the directions in the judgment of Hon. STAT, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

This authority has pursed the directions contained Judgment, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes providing two additional single trips each between Vaniyambalam and Kalikavu and between Kalikavu and Panampooil; there is trip curtailment (from Wandoor to Pookkottumpadom, at 6.46 p.m.) and shifting of trip (from Pookkoottumpadom to Kalikavu Via Chokkad at 7.25), due to the Variation and there is no virgin portion or Overlapping. Curtailment of existing portion of the route is against the interest of common public and it is a clear violation of Section 80 (3) of Motor Vehicles Act; the report of the route enquiry officer was also throws light on to the fact that the variation is not beneficial to the travelling public. Further, this authority is not convinced on the very fact that how the curtailment on the route is beneficial for the public.

This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation of permit.
**Item No.57**

Heard.

This is to peruse the judgment in M. V .A. A. No. 216/2017 and hence to the application for variation of permit in respect of the Stage Carriage KL 10 AT 3031 on the route Manjeri - Kozhikkode Medical College as LSOS. The permit holder applied for Extension from Manjeri to Perimbalam 2 single trips via Manjeri Medical College, Anakkayam and Panayi (Halting and starting at Perimbalam) as LSOS by curtailment from Kozhikkode to Kozhikkode Medical College on the existing regular route without changing existing timings. This authority has pursed the directions contained Judgment, verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The proposed variation includes curtailment and extension of route. The report of the enquiry officer is also not explaining how the curtailment will be beneficial to the common public. Frequency of bus service to Kozhikkode Medical College alone cannot be taken as an indicator for curtailment. We strongly oppose this viewpoint of the officer and are of the view that curtailment of existing portion of the route to Kozhikkode Medical College is against the interest of common public and thus it is a clear violation of Section 80 (3) of Motor Vehicles Act; the report of the route enquiry officer was also throws light on to the fact that the variation is not beneficial to the travelling public. Further, this authority is not convinced on the very fact that how the curtailment on the route is beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation of permit.

**Item No.58**

Heard.

This is to consider the application for variation of permit in respect of the Stage Carriage KL-06 D 6828 on the route Malappuram-Manjeri-Kondotty with halt at Pookkottur. The permit holder has applied for extension of one trip (departing from Manjeri to Kondotty in the evening) from Morayur to Arimbra Poothanaparamba GVHSS(up and down) without curtailment on the existing regular route.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The proposed variation includes extension of route. The report of the enquiry officer is also not explaining how the extension will be beneficial to the common public. Frequency of bus service to Kozhikkode Medical College alone cannot be taken as an indicator for extension. We strongly oppose this viewpoint of the officer and are of the view that extension of existing portion of the route to Kozhikkode Medical College is against the interest of common public and thus it is a clear violation of Section 80 (3) of Motor Vehicles Act; the report of the route enquiry officer throws light on to the fact that the variation is not beneficial to the travelling public. Further, this authority is not convinced on the very fact that how the extension on the route is beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, this authority is of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation of permit.
Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is **allowed** subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.59**

Heard.

This is to peruse judgment in M.V.A.A 12/2018 and hence to re-consider the application for variation of permit in respect of the Stage Carriage KL-55 P 7159 on the route Mangalam kadavu-Chemnad. The permit holder applied for providing additional trip between Tirur and Pandimuttam in the morning without curtailment on the existing regular route.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is **allowed** subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.60**

Heard.

This is to consider the application for variation of permit in respect of the Stage Carriage KL 09 V 6464 (Replaced by KL-11 U 5688) on the route Kalikkavu-Kozhikode Palayam bus stand. The permit holder has applied for extension from Areekode to Manjeri (via) Kavanoor and Nelliparamba (2 single trips) without curtailment on the existing route.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala
Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

As per the proposed time schedule, the applicant has started his trip at 3.50 a.m. and the stage carriage is operating till 11.16 p.m. in the night. The route enquiry officer has to explain how the trip is going to operate in such a long duration with an affidavit from the applicant. He has also reported that the extension is through notified area. This authority is of the view that this is a violation of G.O. (P) No. 8/2017/Trans. The route enquiry officer has further examined and report. A new portion is originated and the route enquiry report has not clearly mentioned on what special circumstance has arisen to recommend such a trip to Manjeri as per Rule 145 (6) & (7). In this context, this authority is of the view that with the existing report needs to be revised. The Secretary, RTA will call for a fresh enquiry report and submit before this authority.

Hence the application of variation is adjourned.

Item No.61
Heard.

This is to consider the application for variation of permit in respect of the Stage Carriage KL-10 AU 5748 on the route Wandoor-Kozhikode. The permit holder applied for change of halting place from Manjeri to Wandoor by time revision.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes change of halting place from Manjeri to Wandoor by time revision. We are of the view that change in halting place and existing timings will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the extension and proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation.

Item No.62
Heard.

This is to peruse judgment in M.V.A.A 249/2017 and hence to re-consider the application for variation of permit in respect of the Stage Carriage KL-55 A 6209 on the route Kallingal-Chemmad touching Kavilakkad. The permit holder has applied for regular variation from
Chamravattom Maveli Purathur-Kavilakkad having a distance of 7 kms and Pandimuttam Tirur (via) Tanalur having a distance of 10 kms on the existing regular route. Curtailment from Pandimuttam to Tirur via Tanur having a distance of 15 kms.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes curtailment and extension of existing route. We are of the view that curtailment will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the extension and proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation.

**Item No.63**

Heard.

This is to reconsider the application for variation of permit in respect of the Stage Carriage KL-65 J 6840 (replaced from KL 65 F 6840) on the route Manjeri Road Jn-Chamravattam.

The permit holder applied for curtailment of the route from Tirur to Chamravattam and to change of halting place from Chamravattam to Tirur which was adjourned by RTA through circulation on 28.03.2016.

This authority has verified the application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Motor Vehicles Inspector reported that the proposed variation will affect the travelling public especially the curtailment from Tirur to Chammravattom since there are a few services are operating through this route.

The applicant has requested for variation of permit which includes curtailment and change of halting place. We are of the view that curtailment and change of halting place will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the proposed variation will be beneficial for the public. This authority is of the view that there is no such new
circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation.

**Item No. 64**

Heard.

This is to peruse judgment in M.V.A.A No 209/2017 and to reconsider the application for variation of permit in respect of the Stage Carriage KL-09 Q 6710 on the route Vettilappara –Edavannapara. The permit holder applied for Variation of existing permit to change the halting place from Kondotty to Edavannapara by providing additional trip between Kondotty and Edavannapara on the existing regular route.

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The applicant has requested for variation of permit which includes change of halting place and extension of route. We are of the view that change of halting place will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation.

**Item No. 65**

Heard.

This is to reconsider the application for variation of permit in respect of the Stage Carriage KL-10 AV 6997 on the route Kannathuparamba –Mukkam. The permit holder applied for variation of existing permit to provide 4 additional cut single trips between Edavannapara and cheruvadi and 2 additional trips between edavannapara and mukkam without curtailment on the existing route.

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered
all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The Motor Vehicles Inspector reported that the variation will be advantages to the travelling public. Total variation is 18km. No change in halting place. Section 80(3) of MV Act is not violated. So the proposed variation will be beneficial to the traveling public. There is no notified sector in existing route and proposed route. Clause 19 of the G.O (P)No.8/2017/Tran dtd 23/03/2017 is not violated.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is allowed subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No. 66

Heard.

This is to peruse the Judgment M.V.A.A.No. 169/2017, dated., 03.11.2018, and hence to re-consider the application for variation of permit in respect of the Stage Carriage KL 55 U 1266 (now replaced by KL 55 Y 8960) on the route Tirur- Koottayi Azhimugham. The permit holder applied for extension from Tirur to Koottayi via Pookkayi - Unniyal and Paravanna (up and down trip) on the existing regular route without curtailment.

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority.

As per the report of Motor Vehicle Inspector, the extension of the proposed route is through the notified sector, Ponnani – Chelari and there is an overlapping of 1.7 Kms from Thazheppalam to Pookayil. However he has not clearly mentioned in the report whether there is any objectionable overlapping as per clause 5 (c) of G.O. (P) No. 79 of 2015 (Ponnani – Chelari Notification). We are of the opinion that this information is essential to take a right approach on this application, The Secretary RTA, will seek a detailed report on this and place before this authority. Hence decision on this application is adjourned.
Item No.67
Heard.
This is to peruse the Judgment M.V.A.R.P.No. 58/2018, Dated. 03.11.2018 and hence to re-consider the application for variation of permit in respect of the Stage Carriage KL 11 R 7605 on the route Kuttippuram – Tirur.
The permit holder applied for deviation from Mukkilapeedika to Tirur via kuttor Railway koloopalam and BP Angadi (2single trips) instead of via Ezthur and 2 single trips from Tirur to Thirunavaya via pallar instead of via Vairankode and additionala trips between Tirur and pattarnakadavu (2 singletrips) and Tirur and Tirunavaya (3 singleterips) and to provide 5 trips on the Tirur Thirunavaya sectoe via Pallar.
This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules . We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.
The Motor Vehicle Inspector has reported that the change in existing timings will affect the travelling public and thus it is a clear violation of clause 80(3) of Motor Vehicles Act. Moreover as per the proposed time schedule, the stage carriage is operating from 4 a.m. in the morning to 11 p.m. in the night. This authority is of the view that 19 hours continuous travel will have safety concerns.
The applicant has requested for variation of permit which includes deviation, change in timings and curtailment of route. We are of the view that this will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation.

Item No.68
Heard.
This is to peruse the Judgment M.V.A.A. No. 146/2018 dated., 03.11.2018, and hence to re-consider the application for variation of permit in respect of the Stage Carriage, KL 10 V 9513 on the route Perimbalam- Areacode. The permit holder has applied for variation applied for the deviation of the service from Kavanur to Puthalam (via) Kliikkallu instead of
via Eliyaparamba and curtailment from Manjeri-Perimbalam and time change on the Manjeri-Amayoor and Halt at Areacode

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The Motor Vehicle Inspector has reported that the curtailment from Manjeri to Perimblam will adversely affect the travelling public and moreover this will completely change the nature of present permit. We are of the view that this will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), rejected the application for variation.

Item No.69

Heard.

This is to peruse the Judgment M.V.A.A. No. 256/2017, dated. 03.11.2018, and hence to re-consider the application for variation of permit in respect of the stage carriage KL 11 AZ 7550 on the route Pulliparamba-Vengara. The permit holder has applied to extend second single trip from Melechelari so as to touch Irumpothinkadavu (via) Chenakkalangadi and Kolathode without curtailment on the existing regular route. Motor Vehicle Inspector has reported that there is no virgin portion, extension, deviation and curtailment and not overlaps with notified route.

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is allowed subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for
endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159(2) of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Item No.70**

Heard.

This is to peruse the Judgment M.V.A.A. No. 148/2017, dated., 30-08-2018, and hence to re-consider the application for variation of permit in respect of the Stage Carriage KL 10 R 8969 on the route Kottumalaparamba – Kondotty – Madanchina – OKM Nagar. The permit holder applied to provide 8 additional single trips on the Vengara-OKM Nagar route (six single trips via Chinnammappadi and 2 single trips via mini) by curtailment of the route from Chinnammappadi to Kondotty on the existing regular route.

This authority has verified the directions contained in the judgment, application and connected documents including the report of Motor Vehicles Inspector in detail in the light of Section 80 and relevant acts of Motor Vehicles Act 1988 and also related rules made thereunder especially, Rule 145 of Kerala Motor Vehicles Rules. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative as per law.

The Motor Vehicle Inspector has reported that the curtailment from Chinnammappadi to Kondotty will adversely affect the travelling public and moreover this will completely change the nature of present permit. We are of the view that this will adversely affect the public and which is a violation of Section 80(3) of Motor Vehicles Act. Motor Vehicle Inspector has also reported that this application is a violation of Section 80 (3) of Motor Vehicles Act. Further, this authority is not convinced on the very fact that how the proposed variation will be beneficial for the public. This authority is of the view that there is no such new circumstances have arisen as per KMVR 145 (6) & (7). Thus, we are of the common view that the application is against the interest of the public travelling on this route and in the light of the provisions contained in Section 80(3) of Motor Vehicles Act and KMVRs 145 (6) & (7), **rejected** the application for variation.

**Item No.71**

Heard.

This is to peruse the Judgment from the Hon. High STAT in MVAA No. 170 of 2018 to reconsider the belated applications for renewal of stage carriage permit (10/527/98) valid up to 07.02.2018 in respect of stage carriage KL 07 AC 1634 and also for the replacement of vehicle by a later model Stage Carriage KL 49 8686 on the route of Karuvarakundu - Kuttipuram as LSOS.

The application was considered and rejected by this authority held on 19.04.2018 vide item No. 33 and the applications were rejected with following remarks:
1. The permit renewal application received from the above applicant on 29.01.2018, which is on time.

2. Vehicle has been under G form w.e.f 01.12.2013. Thus, upon verification of connected records it is revealed that the stage carriage is not operational from 01.12.2013. No valid and sustainable reason for making the permit operational was explained by the applicant before this authority.

3. The service was obviously not operational for more than four and half years. The permit holder has not made any alternative arrangement for the benefit of travelling public to overcome the difficulties caused due to the immediate withdrawal of a public transport which is plying service on the above route for many years. Thus, we are of the common view that the very purpose of issuing the permit was defeated and the holder of the permit cannot be considered as a bonafide operator with adequate financial stability.

4. This authority is of the view that the applicant has intentionally missed the opportunity for replacing his permit with a new vehicle and/or keeping the vehicle for continued service of the issued permit, this is against the provisions/conditions explained in KMVR 152. Also, we are of the view that the very object of renewal of a permit is for the continued operation of service and in this case there is the permit is not operational for more than four years. Thus this authority could not find any single reason to renew the permit which has been kept idle for such a long period without any benefit to common public.

Further, on 10.08.2017 permit holder submitted a request for replacing the regular permit by a later model stage Carriage KL 49 8686 without any prescribed fee. He also submitted a Judgment from Hon. High Court of Kerala in WP(C) No. 4187 of 2018 dtd 07.02.2018 and which reads there will be direction to second respondent to consider the application for renewal prior to the consideration of the application for replacement within a period of two weeks. In the judgment, Hon. STAT set aside the decision of this authority to reject the application for renewal of permit and directed to re-consider the same. We have reconsidered the applications based on the remarks in the judgment and the application for renewal and replacement of permit is granted subject to clearance of Government dues and NOC from the financier, if applicable.

**Item No.72**

Heard.

This is to consider an application for renewal of permit and Regular variation of permit as LSOS., in respect of the stage carriage, KL 08 BA 4759, operating on the route, Kozhikode - Guruvayur -Trissur as LSFP, vide Permit No. 10/538/1999/M, which was valid from 28.07.2009 to 27.07.2014. (The vehicle is now operating with the strength of temporary permit valid from 15.12.2018 to 14.04.2019 as L.S.O.S.)
The Stage Carriage, KL 08 B A 4759, was covered by the Inter District Regular Permit on the route Kozhikode - Guruvayur - Trissur Via Feroke NB, Kolappurm, Valancherry, Kuttipuram And Kunnampalam As LSFP, which was valid from 28.07.2009 to 27.07.2014. The Permit holder applied for the renewal of Permit on 24.06.2014, which was in time. Being the route Inter district, the Renewal application was placed before the R.T.A Malappuram held on 19.04.2016 as Item No. 111. The R. T. A, Malappuram adjourned the decision directing the Secretary R.T.A. to seek concurrence from sister RTAs of Thrissur and Kozhikode. Now, the Motor vehicle Inspector, Malappuram has submitted Route Enquiry Report, which reveals that the total Route Length is 137.5 kms. The application for renewal and replacement as LSOS of the permit is granted subject to clearance of Government dues and NOC from the financier, if applicable.

Item No.73

Heard.

This is to consider the application for renewal of the inter district Permit in respect of the stage carriage, KL 50 B 3322, operating on the route, Vazhikkadav- Thrissur as LSOS, vide Permit No. 10/5190/1994/M, which was valid from 30.03.2014 to 29.03.2019.

The Stage Carriage KL 50 B 3322, is covered by Regular Permit Which was valid from 30.03.2014 to 29.03.2019. The Permit holder applied for the renewal of Permit on 15.12.2018, which is in time. Being the route Inter district, the Motor vehicle Inspector, Malappuram has submitted Route Enquiry Report, dated, 17.12.2018, which reveals that the total Route Length is 131.5 kms. The application for renewal of the permit is granted subject to clearance of Government dues and NOC from the financier, if applicable.

Item No.74

Heard.

The stage carriage KL 10 AF 4171 (hire agreement from KL 08 AQ 5099) covered by a regular permit (10/531/98) valid up to 28.05.2018 operating on the above inter-district route. The permit renewal application received from the applicant on 04.05.2018. Portion of the route lies in Palakkad and Kozhikode districts. Regular permit was issued in 1998.

The matter enquired through MVI Malappuram and he had reported that distance of the route lies in Palakkad district is only 56.5 km and in Kozhikode district is only 17.5 km. And also reported that overlapping with notified routes/approved schemes are not objectionable as per GO (P) No 8/17 dated 23.03.2017 clause 4 and 5(b) in the case of renewal of an existing permit.

The matter already placed before RTA Meeting held on 25.09.2018 vide item No 50 and and rejected the application
This is to ensure that during the grant of permit, if the vehicle is taken back by the legal owner, it will adversely affect public interest. Likewise the lessor, as in the present case, can repossess the vehicle at his will and pleasure so long as he is the registered owner of the vehicle. The cancellation, referred to in Section 86© has come to be in the statute book, in the aforesaid context. Therefore, the contention of the respondent that lease arrangement entitle him to accepted” (Bhaskaran v/s RTA Alleppey 2003(1)KLT 106,2003(1)KLJ 163
Thus, this authority is of the view that a vehicle produce with a lease agreement and in the name of another person cannot be considered for endorsing a permit and/or renewal of permit. Hence application for renewal is rejected.’
Against this decision of RTA, The applicant approached Hon. STAT and has set aside the RTA decision. As per the direction of Hon. STAT the application has been re-considered as per the existing legal provisions.
We could not find any legal point in Motor Vehicles Act and subsequent Rules to support the replacement of a vehicle on hire agreement. The exact procedure for endorsing the permit in a leased vehicle is not explained as per law and thus, in the case of an accident or misappropriation in a permit or in the event of fixing a liability, always there will be a dispute to whom the liability has to be fixed, whether to the owner of the vehicle or to the holder of the permit. Thus there are lots of ambiguities in the case of renewal of a permit to a hired vehicle. This authority is of the opinion that this stop gap arrangement has to be stopped and the operation of a stage carriage service is much more a serious affair that affects the life of common passengers. A stage carriage permit is ordinarily renewed for 5 years and the leased agreement is for 11 months.
Thus, this authority is of the view that a vehicle produced with a lease agreement and not in the name of permit holder need not be considered for endorsing renewal of permit. Hence the application for renewal is rejected.

Item No.75
Heard.
This is to re-consider the application for renewal of stage carriage permit and regular Variation of Permit as LSOS in r/o the Stage carriage KL 46 H 6000 operating on the route Thelpara-Thrissur-Vengaparathil-Pookkootumpadam-Nilambur-Edavanna-Malappuram-Kottakkala-Edappal-Perumbilavu-Kunnamkulam as LSOS.
The application for renewal of the permit is granted subject to clearance of Government dues and NOC from the financier, if applicable.

Item No.76
Heard.
This is to consider the belated renewal of permit application submitted by the R/O of the stage carriage KL 10 Z 8559 on 27/10/2018 to operate on the route Tirur - Chaliyam Via
Tanur Parappanangadi & Kottakadavu. The Permit -No.10/88/1998 - was valid up to 28-10-2018. The renewal of permit application was submitted on 27-10-2018, which is one day prior to the expiry of the permit. The delay occurred in submitting the application was condoned and the application for renewal of the permit is **granted** subject to clearance of Government dues and NOC from the financier, if applicable.

**Item No.77**

Heard.

This is to consider the belated application for renewal of stage carriage permit (10/559/2001) valid up to 16.08.2016 in respect of stage carriage KL 10 V 9631 on the route of Guruvayoor-Nariparamba. The permit renewal application received from the above applicant on 09.08.2016 which is only 8 days before the expiry of permit. The delay occurred in submitting the application was condoned and the application for renewal of the permit is **granted** subject to clearance of Government dues and NOC from the financier, if applicable.

**Item No.78**

Heard.

This is to consider the belated renewal of permit application submitted by the R/O of the S/C KL 10 AU 7832 on 04-12-2018 to operate on the route Valiyaparamba- Ferook- Via Pulikkal- Kondotty- Ramanattukara- as OS. The Permit -No.10/627/2003 - was valid up to 16-12-2018. The renewal application was submitted on 04-12-2018, which is 12 days prior to the expiry of the permit. The delay occurred in submitting the application was condoned and the application for renewal of the permit is **granted** subject to clearance of Government dues and NOC from the financier, if applicable.

**Item No.79**

Heard.

This to re- consider the applications for variation of permit as LSOS and the application for renewal of permit which was adjourned by RTA which held on 25.10.2016 vide item No. 49 in respect of the stage carriage KL-59 E 69 (hire agreement replaced by KL 13 AB 7576) operating on the route Kozhikode Palakkad Via Feroke NB Ramanattukara, Kondoty Malappuram, Perinthalmanna , Mannarkkad as LSOS. The regular permit was valid up to 15.02.2015.

The permit holder submitted an application for renewal of the regular permit on 31.05.2014 which was in time. Also the permit holder applied for variation of Permit as LS OS. The matter was placed before the RTA which held on 25.10.16 vide item No. 49 and taken the decision as “…. Secretary RTA is directed to seek concurrence of Sister Regional Transport Authorities having jurisdiction of more than 20 kilometers Hence adjourned”

Now the matter was enquired through MVI Malappuram and RTO Palakkad.
They had reported that total distance of the route lies in Palakkad district is 56.5 Km and route lies in Kozhikode district is only 17.5 KM and in Malappuram district is only 63 Km. And also reported that overlapping with notified route in this jurisdiction is not objectionable in the case of renewal of an existing permit.

This authority has considered the application and verified connected files and records in detail. It is a material fact that the permit was expired on 15.02.2015 and the permit holder couldn’t produce a vehicle in his name even after four years. The act of permit holder in this regard is suspicious and cannot be justified. We have also referred the Act and Rules in connection with renewal of permit there is no mentioning on renewal of permit with a vehicle which is on hire agreement. The procedure for such replacement was also not explained in anywhere.

Moreover we have also considered certain provisions of law as follows:
1. As per Section 86 (C) of Motor Vehicles Act, the transport authority which grants the permit is authorized to cancel the permit or suspend the permit if the holder of the permit ceases to own the vehicle covered by the permit.
2. Rule 176 refers to entry of new address in the permit. Upon receipt of intimation about the change of address the transport authority is obliged after due enquiries to record the changed address in the Certificate of Registration and enter the permit in the new address. These two requirements indicate that the permit has to be in respect of the vehicle which stands registered obviously in the name of the registered owner.
3. Section 2(30) defines an owner in whose name a motor vehicle stands registered. It is undisputed that in the matter of dues towards fee and taxes there is a charge on the vehicle and when a permit holder has no ownership over the vehicle, such provisions automatically gets defeated.
4. We have also referred the following Judgment of Kerala High Court Bhaskaran v/s RTA Alleppey – 10.12.2002 in which Hon. High Court has made following observations:

Under Rule 159, entry of registration marks in the permit is compulsory. It is laid down that when the applicant is unable to produce the Certificate of Registration on the date of his application for permit the applicant shall within one month of the sanctioning of the application or other extended time should produce the Certificate of Registration, so that the registration marks may be entered in the permit. The rule uses the expression “duly registered” and this can be accepted as “duly registered in the name of the permit holder”.

Of course being a movable item, it may ordinarily be possible to assume that ownership goes with possession. But as far as the motor vehicle is concerned, especially taking note of the public interest involved, it is not only the possession that matters. Elaborate procedure has been prescribed, touching a variety of requirements, in the matter of transfer of ownership and permits.
The predominant purpose, as I find it, is public interest. Thus in the case of a vehicle covered by hire purchase in the matter of registration, grant of permit and renewal of the same, the Act and Rules impose conditions for making available No Objection Certificate.

5. This is to ensure that during the grant of permit, if the vehicle is taken back by the legal owner, it will adversely affect public interest. Likewise the lessor, as in the present case, can repossess the vehicle at his will and pleasure so long as he is the registered owner of the vehicle. The cancellation, referred to in Section 86(c) has come to be in the statute book, in the aforesaid context. Therefore, the contention of the respondent that the lease arrangement entitle him to have a permit in respect of the vehicle held on the strength of lease is difficult to be accepted." (Bhaskaran v/s RTA Alleppey 2003 (1) KLT 106:2003(1) KLJ163).

Further,

6. The exact procedure for endorsing the permit in a leased vehicle is not explained and thus, in the case of an accident or misappropriation in a permit or in the event of fixing a liability, always there will be a dispute to whom the liability has to be fixed, whether to the owner of the vehicle or to the holder of the permit.

7. Permit is ordinarily renewed for 5 years and the leased agreement is for 11 months. We have also noted that for the last 36 months the permit holder couldn’t possess a vehicle of his own to attach this permit. Which also indicates the financial stability of the permit holder.

Thus, this authority is of the view that a vehicle produced with a lease agreement and not in the name of permit holder need not be considered for endorsing renewal of permit. Hence the application for renewal is rejected.

Item No.80

Heard.

This is to consider the belated application for replacement of vehicle of the stage carriage in respect of KL 10 AE 6074 with regular permit in respect of Stage Carriage KL 10 R 1052 (10/659/95) valid up to 19.01.2022 on the route of Muriyankannikkadav - Manjeri as ordinary service since the 15 years of registration validity of the Stage Carriage expired on 03.08.2018.

This authority has considered the application and replacement of vehicle is allowed as per existing law.

Item No.81

Heard.

This is to peruse the Judgment from Hon. High Court of Kerala in WP(C) No 34342 of 2018 dtd 23.10.18 and to consider the application for replacement of the stage carriage KL 56 C 8568 with has lesser seating capacity than its primary vehicle with regular permit of stage carriage KL 57 B 660 (10/5110/99) valid up to 17.2.2019.
This authority has considered the application, perused the directions contained in the judgment of Hon. High Court and also verified connected records. On 11.09.2018, the permit holder has submitted an application for replacement of vehicle with a lesser seating capacity than its primary vehicle, which is having a seating capacity 43. Now the permit holder has applied for replacement of a vehicle with seating capacity 28. Thus, the material difference between two vehicles is nearly 65%.

Right to replace the vehicle has been dealt with in Section 83 of the Motor Vehicles Act, 1988 which is quoted hereunder:

**Replacement of vehicles**.- The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

Rule 174 of the Kerala Motor Vehicle Rules, 1989 and the material portion thereof is sub-rule (2) and (3) which are quoted hereunder:

**174. Permit-Replacement of vehicles** –
(2) Upon receipt of the application, the Transport Authority may in his discretion, reject the application-

(b) if the new vehicle proposed differs in material respects from the old; or

(3) If the new vehicle proposed does not differ in material respects from the old, the application for replacement of the vehicle may be allowed. If there is material difference between the two vehicles, the application shall be treated as if it were for a fresh permit.

We have also referred the directions contained in the verdict of Hon. Division Bench of Hon. High Court of Kerala in WA Nos. 1466 & 1470 of 2017. Thus, we have considered the application, verified connected records and files, also perused the connected portions of Law and Rule; perused the directions contained in the judgments of Hon. High Court of Kerala in WA Nos. 1466 and 1470 of 2017 & WP(C) No. 34342 of 2018; Dtd. 23.10.2018. Thus, we are of the opinion that the replacement application with material difference of about 65 % need not be entertained. Hence the application for replacement is rejected.

**Item No.82**

Heard.

This is to consider the belated application for Replacement of Vehicle of the Stage Carriage in respect of KL 57 3060 with regular permit in respect of Stage Carriage KL 10 R 1985 (10/624/01) valid upto 01.02.2021 on the route of Muriyankannikkadav- Manjeri.

On 01.10.2018 permit holder has submitted application for replacement of the Stage Carriage Permit in respect of KL 10 R 1985 (Model - 2003 and seating capacity - 23) with a later model Stage Carriage KL 57 3060 (Model - 2006 and seating capacity - 23). Both
vehicles are owned by same person. Seating capacity of the primary vehicle is 23(KL 10 K 1215). The application has been considered in the light of the provisions contained in Section 83 of Motor Vehicles Act and Rule 174 of the Kerala Motor Vehicles Rules. We have could not find any legal impediment in granting the replacement and thus, the application is allowed as per existing law.

**Item No.83**

Heard.

This is to consider the belated application for replacement of permit in respect of the stage carriage, KL 10 R 4428, operating on the route, Edavannapara-Edavannapara (Circular); vide Permit No. 10/615/2004/M, which was valid from 06.04.2014 to 05.04.2019, to the later model stage carriage, KL 06 C 901. The application has been considered in the light of the provisions contained in Section 83 of Motor Vehicles Act and Rule 174 of the Kerala Motor Vehicles Rules. We have could not find any legal impediment in granting the replacement and thus, the application is allowed as per existing law.

**Item No.84**

Heard.

This is to consider the belated application for replacement of permit in respect of the stage carriage, KL 09 M 3706, operating on the route, Ayinklalam-Srayikkadavu vide permit no. 10/510/2006/M, which was valid from 06.05.2016 to 05.05.2021, to the later model stage carriage, KL 54 2268. The application has been considered in the light of the provisions contained in Section 83 of Motor Vehicles Act and Rule 174 of the Kerala Motor Vehicles Rules. We have could not find any legal impediment in granting the replacement and thus, the application is allowed as per existing law.

**Item No.85**

Heard.

This is to consider the belated application for replacement of permit in respect of the stage carriage, KL 10 R 3001, operating on the route, Puthanathani - Tirur as ordinary service vide Permit No. 10/5618/2015/M, which was valid from 18.12.2015 to 17.12.2020, to a later model stage carriage, KL 55 Z 2042. The application has been considered in the light of the provisions contained in Section 83 of Motor Vehicles Act and Rule 174 of the Kerala Motor Vehicles Rules. We have could not find any legal impediment in granting the replacement and thus, the application is allowed as per existing law.

**Item No.86**

Heard.

This is to consider the application for Replacement of Permit in respect of the stage carriage, KL 10 AK 4326, operating on the route, Malappuram-Mannarkkad as LSOS, vide
permit No. 10/582/1996/M, which was valid from 29.07.2016 to 28.07.2021, to the stage carriage, KL 23 E 1534, since, material difference is more than 25% limit.

On verification it is seen that basic permit issued to the stage carriage, KL 10 C 4104, with seating capacity 48 in all. The vehicle offered for replacement, KL 23 E 1534, is a lesser model one with seating capacity 33 in all and hence the material difference is more than 25% limit. The date of Registration of the route bus, KL 10 AK 4326, is 09.04.2012 and that of the vehicle offered for replacement, KL 23 E 1534, is 01.10.2011.

Right to replace the vehicle has been dealt with in Section 83 of the Motor Vehicles Act, 1988 which is quoted hereunder:

**Replacement of vehicles.**- The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

Rule 174 of the Kerala Motor Vehicle Rules, 1989 and the material portion thereof is sub-rule (2) and (3) which are quoted hereunder:

174. **Permit-Replacement of vehicles** –

(2) Upon receipt of the application, the Transport Authority may in his discretion, reject the application-

(b) if the new vehicle proposed differs in material respects from the old; or

(3) If the new vehicle proposed does not differ in material respects from the old, the application for replacement of the vehicle may be allowed. If there is material difference between the two vehicles, the application shall be treated as if it were for a fresh permit.

We have also referred the directions contained in the verdict of Hon. Division Bench of Hon. High Court of Kerala in WA Nos.1466 & 1470 of 2017

Thus, we have considered the application, verified connected records and files, also perused the connected portions of Law and Rule; perused the directions contained in the judgments of Hon. High Court of Kerala in WA Nos. 1466 and 1470 of 2017. Thus, we are of the opinion that the replacement application with material difference more than 25% need not be entertained. Hence the application for replacement is rejected.

**Item No.87**

Heard.

This is to peruse the Judgment in W.P(C) No. 36950 /2018/, dated., 22.11.2018, of Hon. High court of Kerala and hence to consider the belated application for replacement of permit in respect of the stage carriage KL 10 R 3733, operating on the route Kaliyattumuck – Kuttippuram vide permit no. 10/804/1997/M, which was valid from 05.02.2017 to 04.02.2022, to a later model stage carriage KL 55 M 9832.
The vehicle offered for replacement is a later model one with seating capacity 28 in all, and material difference is more than 25% limit, since the basic permit was issued to the stage carriage, KLL 8059 with seating capacity, 43 in all. The applicant Smt. Ummayya, approached the Hon. High court of Kerala in W.P. (C) No. 36950 of 2018 dated. 22.11.2018.

Right to replace the vehicle has been dealt with in Section 83 of the Motor Vehicles Act, 1988 which is quoted hereunder:

**Replacement of vehicles**- The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

Rule 174 of the Kerala Motor Vehicle Rules, 1989 and the material portion thereof is sub-rule (2) and (3) which are quoted hereunder:

174. **Permit- Replacement of vehicles** –
(2) Upon receipt of the application, the Transport Authority may in his discretion, reject the application-
   (b) if the new vehicle proposed differs in material respects from the old; or
(3) If the new vehicle proposed does not differ in material respects from the old, the application for replacement of the vehicle may be allowed. If there is material difference between the two vehicles, the application shall be treated as if it were for a fresh permit.

We have also referred the directions contained in the verdict of Hon. Division Bench of Hon. High Court of Kerala in WA Nos.1466 & 1470 of 2017.

Thus, we have considered the application, verified connected records and files, also perused the connected portions of Law and Rule; perused the directions contained in the judgments of Hon. High Court of Kerala in WA Nos. 1466 and 1470 of 2017 & W.P(C) No. 36950 of 2018, dated., 22.11.2018. Thus, we are of the opinion that the replacement application with material difference more than 25% need not be entertained. Hence the application for replacement is **rejected**.

**Item No.88**

Heard.

This is to consider the application for replacement of vehicle on the route Malappuram-Manjeri. The stage carriage KL 10 R 7618 is a 2003 year model vehicle and registered on 01-12-2018. The regular permit attached to this stage carriage vide no. 10/113/1999 is valid up to 22-06-2019. On 10-12-2018, the permit holder submitted an application to replace the expired vehicle to his own later model stage carriage KL 30 1493. The proposed incoming vehicle’s date of registration is 09-11-2006 and material difference is less than 25 percentages to old vehicle.
The application has been considered in the light of the provisions contained in Section 83 of Motor Vehicles Act and Rule 174 of the Kerala Motor Vehicles Rules. We have could not find any legal impediment in granting the replacement and thus, the application is allowed as per existing law.

**Item No.89**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.90**
Duplication of Agenda; Item Deleted.

**Item No.91**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.92**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.93**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.94**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.95**
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**Item No.96**
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**Item No.97**
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**Item No.98**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.99**
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.
Item No.100
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the renewal of permit. Secretary RTA will place a note before this authority explaining why the renewal of permit is pending in such a long duration.

Item No.101
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.102
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.103
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the renewal of permit.

Item No.104
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.105
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.106
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.107
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.108
Absent. Decision on this application is adjourned.

Item No.109
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.110
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.
Item No.111
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.112
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.113
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.114
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.115
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.116
Decision on this application is Adjourned based on the request of the applicant. Secretary, RTA will place the application again in the next sitting of this authority with notice to the applicant(s).

Item No.117
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.118
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.119
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.120
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the renewal of permit.

Item No.121
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.
Item No.122
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.123
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.124
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.125
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.126
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.127
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.128
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.129
Heard. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.130
Heard.

This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No.29813 of 2018 and also to reconsider the application for variation of permit conditions attach with respect to the auto rickshaw bearing registration number (1) KL 10 AD 2640 so as to change the halting place from Kuttippara to anywhere in Manjeri Municipality and (2) KL 16 E 9815 so as to change the halting place from Nellikkuth to anywhere in Manjeri Municipality.

The applicant, Mr. Muneer N.K., s/o Alavi Musliyar N.K., Nechikkadan House, Payyanad PO Manjeri, Malappuram is the registered owner of KL 10 AD 2640 and KL 16 E 9815 applied for variation of permit condition without remittance of fees. On receipt of the application for variation of permit, Addl. Registering Authority, Malappuram has heard the applicant. On the basis of hearing and on the basis of a letter received from Manjeri Municipality the
Authority rejected the application as per Order No.C4/4318/2018/M dated 23/05/2018. The petitioner has approached Hon. High Court of Kerala against the conditions prescribed in the proceedings for issuing his application. Hon. High Court, considered this application citing Regional Transport Authority is the competent authority to take a decision on the request made by the petitioner for variation of permit condition of his auto-rickshaw.

Hence Hon’ble High Court of Kerala quashed the proceedings issued by the Secretary, RTA and directed the Regional Transport Authority, Malappuram to consider the application of variation of permit in accordance with law within a period of 3 weeks. There was also a direction to issue the petitioner and the Manjeri Municipality to provide them an opportunity of being heard. In obedience to this direction we have issued notice to the petitioner and the Secretary, Manjeri Municipality for appearing before the authority for personal hearing.

Further this authority, marked this application for a detailed enquiry report, the Motor Vehicles Inspector, Malappuram has conducted an enquiry on the availability of parking place in the existing auto rickshaw stands available in Manjeri Municipality. His findings were as follows:

1. Manjeri town is one of the busiest towns in the district as it host to number of major institutions such as Medical College, District court complex and an industrial estate. Apart from this, innumerable medical and educational institutions and commercial establishments are also situated in and around the city. Roads in the city are always busy with buses, goods carriages, autos and many other type of passenger vehicles.

2. Auto-rickshaws the prominent mode of conveyance for the general public in the city and numbers of autos playing in the city are grown enormously over the course of a few years. But comprehensive earmarking of auto stands has not yet been done in major parking areas and non-availability of parking space for autos is one of the major reasons for traffic chaos in the city.

3. The direction of the Hon. High Court to keep a margin of 1.5 meter distance from the road has not properly followed at present in the town due to lack of space and overcrowding of auto rickshaw permits.

4. In these circumstances, most of the autos are being parked on the road itself. Such haphazard parking of autos at court road, Pandikkad road and Nilambur road results in traffic chaos in the city. This situation often leads to road accidents and even casualties at times.
5. Auto rickshaw stands in Manjeri Municipality – An overview

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name/Location of Parking place</th>
<th>Space available for Autos. For parking</th>
<th>No.of Autos Actually parking</th>
<th>No. of Autos parking in excess</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IGBT bus stand</td>
<td>40</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>District court complex</td>
<td>8</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Medical College Hospital</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>Medical College Casuality</td>
<td>15</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>5</td>
<td>Medical College Main gate</td>
<td>12</td>
<td>25</td>
<td>13</td>
</tr>
<tr>
<td>6</td>
<td>Cour road near old bus stand</td>
<td>20</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>7</td>
<td>Pandikkad road near old bus stand</td>
<td>20</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>8</td>
<td>Pandikkad road near new bus stand exit</td>
<td>20</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>9</td>
<td>Pandikkad road near new bus stand entry</td>
<td>30</td>
<td>70</td>
<td>40</td>
</tr>
<tr>
<td>10</td>
<td>Korambayil Hospital</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>Nilambur Road</td>
<td>8</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>12</td>
<td>CH Bypass Near Jaseela Jn. Nursing Home</td>
<td>20</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>13</td>
<td>Areacode road near Nellipparambu Jn.</td>
<td>10</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>14</td>
<td>Malabar Hospital</td>
<td>15</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>Thurakkal Jn.</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>16</td>
<td>City Point</td>
<td>8</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>256</td>
<td>517</td>
<td>261</td>
</tr>
</tbody>
</table>

6. As evident from the above table, 261 auto-rickshaws being parked in the city are in excess of the capacity of the available parking space and further hundreds of autos which find no authorized parking space would wander in and around the city looking for parking space. These circumstances often results in serious traffic snarl and raises alarm about road safety. Out of the above parking lots, only Sl. No.1 stand situates fully off the road and all other parking lots are situated either fully or partially on the road.

This authority has verified the letter from the Secretary, Municipality Manjeri letter number E2-15820/14 dated 08/02/2018 stating that as per the Council held on 28/07/2017 has discussed this matter in detail and analysed the available parking space within Municipal limits. As per the discussion, presently Municipal authorities are unable to identify a suitable space parking of auto rickshaws within the Municipal limits.

We have also verified the directions contained in aforesaid judgment of Hon. High Court of Kerala, permits were issued to auto rickshaws with no restriction in plying within city limits, only issue is with parking place, that the respective local self-government institutions has to suggest. In this contest as evidenced by the matter of fact available with
the report of Enquiry Officer and also the submission by the Secretary of Manjeri Municipality, we could not allow more auto rickshaw permits to vary the parking place within city limits. It is also noted that there is no restriction imposed for issuing permits and/or routs; the only issue is with parking place within Municipal limits. Thus, analyzing the present scenario and as per the existing legal frame work, this authority could not allow the request of the applicant and thus the application by the permit holder for variation of permit were **rejected.**

**Item No.131**

Heard.

This is to peruse the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No.25974 of 2018 and also to reconsider the application for variation of permit conditions attach with respect to the auto-rickshaw bearing register number

1) KL 10 AB 3740 to change the halting place from Anakkayam to anywhere in Manjeri Municipality
2) KL 10 AG 4472 to change the Halting place from Elankur to anywhere in Manjeri Municipality,
3) KL 10 AF 5668 to change the halting place from Elankur to Manjeri Municipality and
4) KL 10 AW 9969 to change halting place from Anakkayam to Manjieri Municipality.

This authority has considered these applications in its individual merits and verified the connected files an documents in detail:


Sri. Mohammed V. registered owner of KL 10 AF 5668 applied for variation of permit condition vide Fees Receipt No.10/181929/2017 dated 31/10/2017. On receipt of the application for variation of permit Addl. Registering Authority has heard the applicant and on the basis of letter from Manjeri Municipality, rejected the application as per Order No.C9/191697/2018/M dated 07/04/2018.

Sri. Mohammed, registered owner of KL 10 AW 9969 applied for variation of permit condition vide Fees Receipt No. 10/160780/2017 dated 25/09/2017. On receipt of the
application for variation of permit. Registering Authority heard the applicant and on the basis of letter from Manjeri Municipality, rejected the application as per Order No. C9/191697/2018/M dated 07/04/2018.

Against the conditions prescribed in the proceedings the applicants approached Hon. High Court of Kerala. Hon. High Court disposed these applications stating that the Regional Transport Authority is the competent authority to take a decision on the request made by the petitioners for variation of permit condition. Thus, Hon. High Court of Kerala quashed the proceedings issued by the Secretary, RTA and directed the Regional Transport Authority, Malappuram to consider the application of variation of permit in accordance with law within a period of 6 weeks. There was also a direction to issue the petitioner and the Manjeri Municipality to provide them an opportunity of being heard. In obedience to this direction notices were issued to the petitioner and the Secretary, Manjeri Municipality for appearing before the authority for personal hearing.

Meanwhile, the petitioner has further approached Hon. High Court of Kerala vide contempt of court procedures as per Temp No.983940 of 2018 for not considering and disposing his application with in the stipulated time limit as prescribed by Hon. Court.

Further the Secretary, RTA has marked this application for a detailed enquiry report and the Motor Vehicles Inspector, Malappuram has conducted an enquiry on the availability of parking place in the existing auto-rickshaw stands available in Manjeri Municipality. His major findings were as follows:

1. Manjeri town is one of the busiest towns in the district as it host to number of major institutions such as Medical College, District court complex and an industrial estate. Apart from this, innumerable medical and educational institutions and commercial establishments are also situated in and around the city. Roads in the city are always busy with buses, goods carriages, autos and many other type of passenger vehicles.

2. Auto-rickshaws the prominent mode of conveyance for the general public in the city and numbers of autos playing in the city are grown enormously over the course of a few years. But comprehensive earmarking of auto stands has not yet been done in major parking areas and non-availability of parking space for autos is one of the major reasons for traffic chaos in the city.

3. The direction of the Hon. High Court to keep a margin of 1.5 meter distance from the road has not properly followed at present in the town due to lack of space and overcrowding of auto rickshaw permits.

4. In these circumstances, most of the autos are being parked on the road itself. Such haphazard parking of autos at court road, Pandikkad road and Nilambur road results in traffic chaos in the city. This situation often leads to road accidents and even casualties at times.
5. Auto rickshaw stands in Manjeri Municipality – An overview

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name/Location of Parking place</th>
<th>Space available for Autos. For parking</th>
<th>No.of Autos. Actually parking</th>
<th>No. of Autos parking in excess</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IGBT bus stand</td>
<td>40</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>District court complex</td>
<td>8</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Medical College Hospital</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>Medical College Casuality</td>
<td>15</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>5</td>
<td>Medical College Main gate</td>
<td>12</td>
<td>25</td>
<td>13</td>
</tr>
<tr>
<td>6</td>
<td>Cour road near old bus stand</td>
<td>20</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>7</td>
<td>Pandikkad road near old bus stand</td>
<td>20</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>8</td>
<td>Pandikkad road near new bus stand exit</td>
<td>20</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>9</td>
<td>Pandikkad road near new bus stand entry</td>
<td>30</td>
<td>70</td>
<td>40</td>
</tr>
<tr>
<td>10</td>
<td>Korambayil Hospital</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>Nilambur Road</td>
<td>8</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>12</td>
<td>CH Bypass Near Jaseela Jn. Nursing Home</td>
<td>20</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>13</td>
<td>Areacode road near Nellipparambu Jn.</td>
<td>10</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>14</td>
<td>Malabar Hospital</td>
<td>15</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>Thurakkal Jn.</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>16</td>
<td>City Point</td>
<td>8</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>256</td>
<td>517</td>
<td>261</td>
<td></td>
</tr>
</tbody>
</table>

6. As evident from the above table, 261 auto-rickshaws being parked in the city are in excess of the capacity of the available parking space and further hundreds of autos which find no authorized parking space would wander in and around the city looking for parking space. These circumstances often results in serious traffic snarls and raises alarm about road safety. Out of the above parking lots, only Sl. No.1 stand situates fully off the road and all other parking lots are situated either fully or partially on the road.

This authority has verified the letter from the Secretary, Municipality Manjeri letter number E2-15820/14 dated 08/02/2018 stating that as per the Council held on 28/07/2017 has discussed this matter in detail and analysed the available parking space within Municipal limits. As per the discussion, presently Municipal authorities are unable to identify a suitable space parking of auto rickshaws within the Municipal limits.

We have also verified the directions contained in aforesaid judgment of Hon. High Court of Kerala, permits were issued to auto rickshaws with no restriction in plying within city limits, only issue is with parking place, that the respective local self-government institutions has to suggest. In this contest as evidenced by the matter of fact available with
the report of Enquiry Officer and also the submission by the Secretary of Manjeri Municipality, we could not allow more auto rickshaw permits to vary the parking place within city limits. It is also noted that there is no restriction imposed for issuing permits and/or routes; the only issue is with parking place within Municipal limits.

Thus, analyzing the present scenario and as per the existing legal frame work, this authority could not allow the requests of the applicants and thus the applications mentioned above by the permit holders for variation of permit were rejected.

**Item No.132**

This is to consider the request the application for the grant of Agents license for the sale of tickets to the passengers of public service vehicles.

Applicant absent and the decision on this application is adjourned.

**Item No. 133**

Heard. This is to suggest the nature of action to be taken against the permit holder and registered owner of goods carriage KL 53 K 7099 for not properly responding to the charge memos issued from the office of Joint Regional Transport Officer, Perinthalmanna in connection with the check reports prepared on 29.10.2016, 27.02.2017, 20.06.2017, 21.02.2018 for transporting the vehicle with overload and compounded an amount of Rs. 66,000/-

This authority has considered this matter and verified connected records in detail. The act of the permit holder is not acceptable and is further directed to pay the compounded amount within fifteen days of communication of this decision otherwise; the Addl. Registering Authority is authorized to suspend the permit of the said vehicle for thirty days with immediate effect. Further, the permit holder is repeating such offences in future, the authority may take initial steps to revoke the permit.

This authority is of the view that, while dealing with such cases of overload/pending check reports, the respective Registering Authority has the delegated power to take stringent action against the permit holders and dispose the case without further time delay and these type of cases need not be bring to the agenda of this authority in future.

**Item No. 134**

This is to suggest the nature of action to be taken against the permit holder and registered owner of goods carriage KL 17 E 8555 for not properly responding to the charge memos issued from the office of Joint Regional Transport Officer, Tirur in connection with the check reports prepared on 04.03.2016, 04.04.2016 for transporting the vehicle with overload and compounded an amount of 33000/-. 

This authority has considered this matter and verified connected records in detail. The act of the permit holder is not acceptable and is further directed to pay the compounded amount within fifteen days of communication of this decision otherwise; the Addl.
Registering Authority is authorized to suspend the permit of the said vehicle for thirty days with immediate effect. Further, the permit holder is repeating such offences in future, the authority may take initial steps to revoke the permit.

This authority is of the view that, while dealing with such cases of overload/pending check reports, the respective Registering Authority has the delegated power to take stringent action against the permit holders and dispose the case without further time delay and these type of cases need not be bring to the agenda of this authority in future.

**Item No. 135**

Heard. This is to peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP (C) No. 25900 of 2018 and also to suggest the nature of action to be taken in the request made by the Merchants’ Association, Perinthalmanna represented by its Secretary.

This authority has considered the application and verified connected records in detail. The applicant is conducting business by the side of road in Perinthalmanna Municipality and is aggrieved by the sudden decision of the Perinthalmanna Municipality and Traffic Regulatory Committee, Perinthalmanna to remove two bus stops in either side of Kozhikkode Road in Perinthalmanna Municipality. According to the provisions of M V Act Section 117, the State Govt. or any other authority issued by the State Govt. has the jurisdiction to determine the parking place of vehicles. Also, under Kerala Motor Vehicles Rules in Rule 344, the Regional Transport Authority of the District concerned shall determine the location of parking places. In this context the decision of Perinthalmanna Municipality to remove two bus stops was said to be against law. The applicant and a few others have approached Hon. High Court of Kerala in Writ Petition No. 25900 of 2018 for a constitutional remedy. Hon. High Court has directed to consider the matter especially that of constructing the bus stop in front of Padippura Stadium in the next RTA meeting and dispose the application. The matter was enquired through the Motor Vehicle Inspector, Perinthalmanna and he has ascertained the genuineness of the complaint. In the open hearing of this authority, representative of Perinthalmanna Municipality has submitted the following:

- There are 17 bus stops in Perinthalmanna Municipality; out of which 11 are situated in Ootty – Pattambi Road.
- As a measure to reduce the traffic congestion inside the city limit, the Traffic Regulatory Committee has decided to abolish 10 unimportant bus stops; as an initial step 8 bus stops were abolished
- The bus stops in question were also abolished as per the above said decision. Since there was public outcry about the abolishment of one of the bus stops situated in front of the Municipal Office, the same was retained.
There is also a request for retaining the bus stop at Sangeetha Junction and same will be done immediately after the road construction, which is going on at present. Thus, we have considered this matter in the context of the directions contained in the aforesaid judgment of Hon. High Court of Kerala; contentions raised by the petitioners; inspection report of the route enquiry officer and also the submission by the Secretary, Perinthalmanna Municipality. It is learnt from the submission by the Municipality that the bus stop near to Sangeetha Junction is retained and the necessary facilities will be established immediately after the completion of road construction work which is going on at present and thus the contentions of the petitioners were addressed. The matter is disposed off with a direction to the Secretary, Perinthalmanna Municipality to file a compliance report on the same before this authority as early as possible.

**Item No. 136**

Heard. This is to consider the application of re-fixing fare stages on the route Pulamanthol – Pattambi. The application was enquired by the Motor Vehicles Inspector, Perinthalmanna and major findings of his report are as follows:

1. Total distance from Central Jn. Perinthalmanna to Pulamanthole is 11.7 Kms. Presently there are five stages existing for private stage carriage operators and four for KSRTC operators.

<table>
<thead>
<tr>
<th>Stop</th>
<th>Distance</th>
<th>Stage</th>
<th>Charge - KSRTC</th>
<th>Charge - Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perinthalmanna – Central Jn.</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kunnappalli</td>
<td>3.9</td>
<td>1</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Cherukara Angadi</td>
<td>6.3</td>
<td>2</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Pulikavu</td>
<td>7.2</td>
<td>3</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>T. N. Puram</td>
<td>9.3</td>
<td>4</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Pulamanthole UP</td>
<td>10.7</td>
<td>5</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Pulamanthole</td>
<td>11.7</td>
<td>6</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>

2. There is anomaly in present fare stage fixation with respect to private stage operators.

3. As per present fare collected by private stage carriage operators
   a. Perinthalmanna – Kunnappilli - 3.9 k.m.
   b. Kunnappilli – Cherukara Angadi - 2.4
   c. Cherukara Angadi- Pulikavu - 0.9
   d. Pulikave – T. N. Puram - 2.1
   e. T. N. Puram – Pulamanthole - 2.4
4. Existing Fare stages for KSRTC is acceptable. The third fare stage for Private Stage Carriages is Pulikavu and which is only 0.9 Kms from Cherukara Angadi. Hence the third stage may be re-fixed as T. N. Puram.

This authority has considered the matter in detail and verified connected records and file. The Motor Vehicle Inspector has suggested a revised set of fare stages considering portion of the route from Perinthalmanna to Pulamanthole; the route in question was Perinthalmanna – Pattambi. In order to have a comprehensive idea of the fare stage, the entire route in question has to be verified.

Hence, the Secretary RTA will conduct a fresh enquiry on the fare stages fixed on the entire route in question and submit a detailed report with sketch before this authority to take a right approach on this matter. Hence decision on this matter is adjourned.

Item No.137

Heard. This is to re-consider the application for issuance of preliminary sanction for constructing a bus stand at Chemmad Town as per the decision of Municipal Council no. 3 (1); Dtd. 29.11.2017 and also based on the NOC issued.

This is a request from the Secretary, Tiruangadi Municipality for issuing a no-objection certificate for the construction of a bus stand at Chemmad Town as per the decision of Municipal council held on 29.11.2017. The matter was enquired by the Motor Vehicle Inspector, Tirurangadi and submitted his remarks.

The matter was previously considered by the RTA held on 25.09.2018 in Item No. 142 and the decision on this application was adjourned for want of a detailed report. There was also a direction to the Secretary, Tirurangadi Municipality to facilitate the formation of a sub-committee including representatives from Public Works Department (Roads); Revenue Department; Police Department and Motor Vehicles Department and submit a feasibility report before this authority for further approval. NOC for the proposed land from revenue authorities and suitability of the location for a bus stand has also to be produced.

Now the Secretary, Thirurangadi Municipality has submitted a common inspection report by the Tahasildar, Tirurangadi, Secretary, Tirurangadi Municipality, Sub-Inspector of Police, Tirurangadi and Asst. Motor Vehicle Inspector, Sub-R T Office, Tirurangadi stating that the proposed site is suitable for the construction of a bus stand at Chemmad. It is also to be noted that the sanction for constructing a bus stand is accorded to one Mr. Kondanath Beeran Haji from the Municipality.

This authority considered the matter in detail and verified connected records and files including the common report submitted by the Tahasildar, Tirurangadi; Asst. Motor Vehicle Inspector, SRTO Tirurangadi, Secretary, Tirurangadi Municipality and Sub-Inspector of Police, Tirurangadi. Based on the recommendations of the report, preliminary sanction is accorded for the construction of a bus stand at Chemmad as requested by the Municipality,
Tirurangadi. However the legal procedures as per existing procedures in connection with constructing a bus stand in a private property has to be strictly complied by the Secretary, Tirurangadi Municipality in the execution of agreement and commencement of work. Further, an application has to be submitted before this authority for final sanction of the bus stand after the completion of work with a detailed report of a competent officer.

**Item No. 138**

Heard. 1. This is to re-consider the report of scientific study conducted by NATPAC on revised traffic re-arrangements for public transport services in Manjeri town forwarded by the Traffic Regulatory Committee, Manjeri based on the opinions sought from the public as per the decision of RTA Malappuram held on 25.09.2018 in Additional Item 31 and the modifications suggested thereon.

2. This authority has considered the report of NATPAC, major representations filed by the public on the report, the recommendations of the field officer, the arguments of the learned counsel appeared for the Manjeri Municipality and also the submissions of Senior Counsel appeared for the Bus Operators Organizations. Verified the submissions given by the operations at the open hearing of this authority and connected files. We have also verified the directions contained in the judgments of Hon. High Court of Kerala in various connected writ appeals.

3. The traffic regulations with respect to stage carriages in Manjeri Municipality on the establishment of a new bus stand namely Indira Gandhi Bus Terminal (hereinafter referred to as IGBT) has been in question before this authority from way back in 2013. The contention of a cross section of stage carriage operators was that, as per the traffic regulations proposed by Manjeri Municipality, they have been forced to halt at the IGBT and are not permitted to go into the Manjeri town. There were also a number of representations before this authority against the decision taken by the Manjeri Municipality in this regard. As is evidenced from the connected records, this authority has deliberated on the issue many a time and has considered the proposals of the Traffic Regulatory Committee and Manjeri Municipality, and various bus operators’ associations who were operating stage carriages in the area. This authority has also considered the proposals and suggestions of various authorities who are conferred with the powers with the duties to preserve law and order and maintain public order including traffic regulations. This authority has always given paramount consideration to the public order and general safety of public and hence the decisions were always taken within a democratic framework.

4. Way back in 2013 in a judgment of Hon High Court of Kerala in WP(C) No. 4633 of 2013 Dtd. 18.02.2013, Hon. High Court has directed the Regional Transport Authority, Malappuram to consider the representations on this matter and take a decision as RTA is the appropriate authority to consider and decide appropriate action on matters related to
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traffic regulations. Further, in Writ Appeal No. 344 of 2013 in WP(C).4633/2013 Dtd. 01.03.2013, Hon. Division Bench of Hon. High Court of Kerala has directed this authority to take a decision considering not only the representations of the appellants (Malappuram District Bus Operators’ Association) but also the parties who are likely to be affected. In this judgment Hon. High Court has clearly pointed out that Regional Transport Authority (RTA) is the authority to consider and pass orders matters related to traffic regulations pertaining to the stage carriage operations. Again, in a verdict of Hon. High Court of Kerala in WP(C) No. 23037 of 2013; Dtd. 21.10.2013, it was categorically pointed out that the petitioners (Malappuram District Private Bus Operators’ Association) ought to operate their stage carriages in consonance with the orders of the RTA. We have also considered the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No. 31567 of 2015 Dtd. 16.10.2015 which also directs this authority to consider and take a decision on issues pertaining to traffic regulations in Manjeri Municipality. Thus, by interpreting the provisions contained in Motor Vehicles Act and Rules Hon. High Court has categorically stated and affirmed that this is the apt legal authority to delve deep in to the matter and take a final decision on this issue pertaining to the traffic regulations at Manjeri Municipality.

5. This authority has given enough opportunity to the Traffic Regulatory Committee, Manjeri to formulate a draft a plan on traffic regulations pertaining to stage carriage operations in Manjeri Municipality after the setting up of IGBT at Manjeri after hearing all the stakeholders and affected parties in this regard. Thus, as per the suggestion of this authority held on 06.01.2016 in Item No. 156 Traffic Regulatory Committee held on 20.09.2016 in Item No. 7 and proposed a modified plan for stage carriage operation in Manjeri Municipality.

6. The proposed plan suggested by the Traffic Regulatory Committee, Manjeri was considered by this authority held on 25.10.2016 in Item No. 154 and the decision was: “Heard.

...In the light of the above observations and findings, this authority is of the view that the regulatory committee, Manjeri has to revisit the said decision from a different perspective. We are of the opinion that traffic regulatory committee, Manjeri shall formulate a viable proposal for the traffic re-arrangements with respect to stage carriages in the town and discuss the same among its members, the representatives of KSRTC and all other aggrieved parties thereof; shall reach a consensus and submit before this authority for final approval before implementation. Till then the status quo has to be maintained as on 16.07.2016 and the decision of this authority held on 06.01.2016 in Item No. 156 has to be implemented. The Secretary, RTA has to communicate the said decision of this authority to the Chairman of Traffic Regulatory Committee, Manjeri as early as possible and the District Police Chief,
Malappuram will see that the said decision is enacted and implemented with immediate effect.
This decision is subject to the disposal of various writ petitions before the Hon. High Court of Kerala on this matter.”

Meanwhile, the decision of RTA was further clarified by the Hon. High Court of Kerala in an interim order issued in WP(C) No. 33358 of 2016 Dtd. 19.12.2016 that the decision of the Traffic Regulatory Committee shall be effective only after the approval of RTA.

7. As an alternative step, District Collector and the Chairman RTA has conducted a meeting of selected members from various sectors to explore further on this issue on 05.01.2017 and entrusted Sub-Collector, Perinhtalmanna to submit a detailed proposal on the traffic regulations in Manjeri Municipality. Major suggestions in his report were:

1. The buses coming from Nilambur, Areacode, Elankur, Wandoor and going to Malappuram, Tirur, Vengara, Perinthalmanna via Manjeri should halt at Jaseela Junction, Kozhikkode road and go via Thurakkal Junction to IGBT stand so on.
2. The buses which are passing buses from Perinthalmanna, Malappuram via Manjeri to their destination should halt at IGBT, Thurakkal Bypass, Girls High School and go to SHBT via. Central Junction
3. The buses which are coming from Malappuram, Perinthalmanna, Tirur, Parappanagadi etc. to Manjeri will end their services at IGBT and return from IGBT to Malappuram, Perinthalmanna etc.
4. The buses which are coming from Pandikkad and going to Malappuram, Perinthalmanna should halt at Chamayam Junction and route through IGBT via. Jaseela Junction and Thurakkal Junction.
5. The buses which are coming from Panthalloor, Pallippuram, Perimbalam, Vettekkode etc. should operate from Old Bus Stand.
6. The buses coming from Kizhisseri, Pukkootoor should go to old bus stand via. Cosmos Junction, Kozhikkode road and operate from there to MCH- IGBT road.

8. The report was considered by the RTA held on 25.01.2017 in Item no. 184 and the decision was adjourned with a direction to the Traffic Regulatory Committee, Manjeri to publish these suggestions of Sub-Collector, Perinthalmanna inviting objections, if any from the affected parties; discuss the same in their next meeting and present a detailed viable proposal before this authority for approval.

There was also a direction to discuss the proposal in a meeting with the representatives of KSRTC and all aggrieved parties and shall reach a consensus proposal and get the approval of the RTA before implementation.

The decision was communicated to the Chairperson of Manjeri, Municipality and they have submitted a proposal for further consideration in the RTA.
9. The suggestions were taken by the Municipal Council held on 20.01.2017. The suggested options were as follows:

1. Buses coming from Perinthalmanna, Malappuram, Tirur, Parappanangadi should operate (start & halt) service from I.G.B.T. Bus stand
2. Buses to and from Perimblm, Pookkottoor, Pullancherry, Kizhisserri should operate from Old Bus stand (via) I.G.B.T.
3. Operate Town service connecting all three bus stands and by-pass roads
4. Buses operating to Kozhikkode, Pandikkad, Melattur, Nilambur, Wandoor, Areacode should operate (start & halt) service from Seethi Haji Bus stand.

They have further submitted that IGBT bus stand is not operational for long time and this is affecting the income of the Municipality. There are a number of individuals who have taken the shop rooms in the bus stand on lease are also in trouble. They have also obtained an order from the tribunal. Operationalising the said bus stand is for the benefit of the travelling public and also a development concern of the Municipality.

10. The matter was further considered by the RTA held on 30.05.2017 in additional item 14 and the decision was:

“Heard.

………….However, upon considering this item in the open hearing on 30.05.2017; there were vehement objections from various walks of public including people’s representatives, common public, merchant association representatives, bus operators, representatives of various Government and Non-Government institution. Representatives from three neighboring Grama-Panchayaths strongly objected the suggestions incorporated in the proposal and they have openly expressed their contentions in this regard. This authority cannot ignore these objections raised by a cross section of the traveling public. Thus we are of the view that implementing the suggested traffic regulations as it is in Manjeri Town will affect badly the travelling public and will become a law and order issue. It is clear from the public outcry against the proposal that the agency could not reach a consensus and thus this authority cannot accept and approve the suggested proposal ignoring the public uproar.

The traffic congestion in Majeri Town has been an issue for some time and the newly constructed bus stand also needs to be fully operational. However, that should be in a public friendly manner and with the co-operation of representatives from various stakeholders of the society. Further, Manjeri Traffic Regulatory Committee can approach this authority with a viable and public friendly proposal to reduce the traffic congestion of the city and making the newly constructed bus stand fully operational. Till the approval is obtained, the present status-quo has to be maintained.”

11. Meanwhile Mr. KunhimuhammedKunhippa, Pakkezamanzil, Karakkunnu P.O. has produced a judgment from Hon. High Court of Kerala in WP(C) No. 33358 of 2016 (T) Dtd.
23.10.2017. Hoh High Court of Kerala has disposed of the writ petition recording that the interim order passed by the Court (maintaining the status quo) will be in force till such time a final decision is taken in respect of the traffic regulation made as per the order dated 20.09.2016. Thus Hon. High Court has further clarified that RTA is the authority to take a final decision on this matter.

12. Further, The Chairperson and Secretary, Manjeri Municipality has submitted the decisions taken by the traffic regulatory committee held on 14.11.2017, before the District Collector, Malappuram for consideration and approval.

The matter was considered by the RTA held on 10.01.2018 in Supplementary Item 1 and the decision was:

“......Learned counsel appeared for Manjeri Municipality has submitted that Municipality has spent Crors of rupees to complete the newly built bus stand and it has not yet been fully operational. Moreover the traffic congestion in Manjeri Town has to be resolved. The new scheme proposed by the Municipality is public friendly and can reduce the present traffic block existing in Manjeri Municipal limits.

There were a series of representations submitted before this authority against the scheme at the time of consideration of this item in the open hearing. The President of ThrakkalangaodeGramapanchayth submitted that travelling public from his Panchayath will face difficulty in reaching Manjeri Medical College, N S S College, Yatheemkhana Higher Secondary School, Korambayil Hospital and also for return public has to reach Jassela Junction. Malappuram District Private Bus Operators Association, Manjeri has submitted the following:

- As per the existing scheme, stage carriages which are traversing from Jaseela Junction to SHBT via C.H. By-pass have to travel a distance of 2.5 Kms. As per the proposed scheme, stage carriages have to travel an additional distance of 5 Kms to travel from Jaseela Junction to SHBT. So the major contention is additional fuel consumption in the new scheme.
- They have also stated that for covering a distance of 5 Kms through Majeri town an additional time of about 20 Minutes is required in order to operate service as per the new scheme. The entire time schedule issued will be collapsed.
- The proposed scheme will be against public interest and will adversely affect the travelling public who are traveling from various satellite towns to Yatheemkhana School, NSS College, Govt. Girls High School, Science Institute.

Kerala VyaparivyavasayiEkopanaSamiti, Manjeri Municipal Unit Committee has also submitted objections against the proposed traffic regulations of the regulatory committee. There were 39 objections received from the existing stage carriage operators against the scheme proposed for consideration of this authority.
We are of the opinion that the traffic congestion in Majeri Town has been an issue for long and the newly constructed bus stand also needs to be fully operational for the benefit of the travelling public.

From the above deliberations we come to the conclusion that the modified scheme submitted by the Manjeri Municipality is not a proposal with a common consensus of all affected parties. There are still contentions and objections from various corners of the society. We further feel that the issue needs to be studied further in a much scientific manner and with systematic tools and design. In this context, we direct the Traffic Regulatory Committee Manjeri to conduct a scientific study with the help of NATPAC on the suggestions proposed by them in the light of the contentions raised by the objectors and arrive at a final proposal. Then they can place the same before this authority for approval. Nevertheless to say that till then the present status quo on stage carriage service at Manjeri Municipality has to be maintained. Hence decision on this proposal is adjourned.”

13. In obedience to the direction of this authority, Municipality Manjeri has contracted NATPAC to conduct a scientific study on the traffic congestion in Manjeri Municipality. NATPAC has conducted a scientific study on the matter concerned and submitted a detailed report. The same has been considered by the Traffic Regulatory Committee, Manjeri held on 07.09.2018 and they have forwarded the report for further consideration.

14. The matter was placed before RTA held on 25.09.2018 in additional Item 31 and the decision was adjourned with a decision to publish the document for seeking public opinion on or before 10th October 2018.

The major objective of inviting opinions from public is to modify the routing pattern, if required, suggested by NATPAC. As explained in the final report, the objective of the study was to minimize traffic congestion inside the city and providing connectivity to all the traffic generating points. In order to achieve the same as per the scientific study, re-routing of stage carriages plying inside the city was the primary suggestion put forward by NATPAC by utilizing the IGBT Bus stand by halting buses at IGBT by reducing congestion at Central Junction. The alternative systems suggested were the introduction of prepaid auto counters at both IGBT and SHBT and also shared auto which could be managed by Traffic Police.

Routing Plan suggested by NATPAC are given below:

1. Anakkayam side – Manjeri Route
   Onward – Anakkayam – Kacherippadi – IGBT
   Return - IGBT – Kacherippadi - Anakkayam

2. Anakkayam side – Nellipparamba Route
Return - Nellipparamba – Jaseela Jn. – Chamayam Jn. – SHBT – OBS- Kacherippadi Jn. – IGBT - Anakkayam

3. Kozhikkode Side – Manjeri route
   Onward - Kozhikkode-Thurakkal Bypass – IGBT
   Return - Same route

4. Kozhikkode Side – Nellipparamba route
   Return - Same route

5. Nellipparamba Side – Manjeri route
   Onward - Nellipparamba – Jaseela Jn. – C H Bypass – SHBT
   Return - Same route.

15. This was published for public opinion and since there were more than 3700 individual as well as organizational responses, it is not practical to enlist all the responses and against the names rather major contentions and suggestions received from public are summarized as follows:

   - The overall impression was the proposed routing plan will affect badly the interest of travelling public including student community. Representations from various educational institutions were received against the proposed routing plan stating that this will restrict the entry of stage carriages in to the city limits.
   - Travelling public and students from Aanakkayam, Mankada, Koottilangadi were have to pay additional auto fare to reach their destinations especially schools, hospitals and other institutions.
   - Hiring autos to reach various institutions from these entry points was the alternative suggestion put forward by NATPAC and being as an expensive mode of travel, the same was rejected by the public and student community at large.
   - Activating all the four existing bypass roads available in the city for traffic
   - Long distance KSRTC Buses may be operated from IGBT.
   - Widening of road through the city especially from Nellipparamba to Jaseela Junction.
   - Abolishment of OBS (Old Bus Stand)
   - All Goods and other heavy vehicles to be re-routed through Bypass roads
   - Expansion and renovation of Industrial road
   - Take stringent action against unauthorized auto/taxi/private vehicles within the city especially in footpaths and road side.
   - Most of the foot path vendors are encroached to the road and causing traffic congestion; action has to be taken against such vendors.
• Shifting of foreign liquor outlet by the Beverage Corporation
• Buses traversing through Valluambaram to Manjeri has to pass through Thurakkal, Girls High School, Eranad Hospital, Municipal Town Hall, IGBT
• Buses to Nilambur, Kozhikkode, Pandikkad are to be operated from IGBT and buses to Malappuram and Perinthalmanna has to be operated from SHBT
• There are opinions received from public stating that the report is scientific and for the development of the city, it has to be implemented as it is.
• W.A. No. 433 of 2018 filed against traffic regulations in Manjeri Town before Hon. High Court of Kerala is pending disposal; therefore till the disposal of the case, present status-quo has to be maintained.

16. The opinions of the public on reducing the traffic congestions were verified and examined in the light of the recommendations and findings of NATPAC team. In the report, the traffic scenario of the city has been examined and analysed with statistical data based on 1. Distance Travelled, 2. Points of Conflict, 3.Average Velocity, 4.Coverage of terminals and 5.Traffic generating points. Based on these indices they have developed cost/benefit ratio and based on which they have suggested modifications on the stage carriage routing pattern.

17. However we are of the considered opinion that some of the suggestions put forward, especially with respect to the stage carriage operation, needs modifications as opinioned by the public. Also the alternative suggested by NATPAC like Hiring Autorikshaws were not public friendly. Shared auto service system is prohibited by law. Thus the suggestions were not practical and permissible by the existing legal framework. Based on the statistical data collected and collated by NATPC apart from the indices used by them following qualitative indexes are also needs to be considered

1. Safety of passengers
2. Law and Order
3. Accessibility of general public to service centers (like Govt. Offices, Schools, Hospitals etc.)
4. Availability of alternative mode of public transport system
5. Time spent by each individual to reach destination.

Thus, a team consists of Motor Vehicle Inspectors has examined the suggestions of the public strictly in accordance to the modifications in routing plan suggested by NATPAC and submitting the following draft plan for the consideration of RTA as an initial step. Major recommendations are:

1. Nellipparambu – Nilambur – Pandikkad
   Onward and Return – existing pattern of service has to be continued.
2. Malappuram – Tirur – Perinthalmanna
Onward and Return – existing pattern of service has to be continued.

3. Thrippanachi – Kizhisserri
   Onward and Return – existing pattern of service has to be continued.

4. Kozhikkode – Kondotty (passing through Manjeri)
   SHBT-Medical College-IGBT-Thurakkal

5. Kozhikkode – Kondotty (Halting at Manjeri)
   Onward - Thurakkal – Halt at IGBT
   Return - Same route

6. Old Bus Stand has to demolished as per law and a bus bay with a waiting of at least 30 mts long has to constructed for the comfort of the passengers.
   - All other suggestions and recommendations proposed by NATPAC and recommended by the traffic regulatory committee will remain as it is.
   - The revised proposal is based on the contentions/opinions received by the public and also with a view to reduce the traffic congestion inside the city limit.
   - As an initial step buses traversing to Kozhikkode side will be operated from IGBT so that passengers can be make use of buses from Anakkayam side to go in to the city and avail services from various institutions.
   - By adopting this proposal the IGBT can be made operational and this will help the expansion of the city without additional burden to the travelling public.
   - Traffic Regulatory Committee, Manjeri may have to adopt the suggestions and recommendations put forward by the public especially with respect to introduction of one-way system, restriction of heavy vehicles to the city, introduction of parking facilities inside the city.
   - These modifications may be subject to the final disposal of all such pending cases before Hon. High Court of Kerala in this regard.

18. The matter was further considered by this authority held on 01.02.2019. There were several discussions and deliberations for against the proposed re-routing plan for stage carriages in Manjeri Municipality. All objections were heard and considered as per law. Major objections were:
   1. It will affect the timing of stage carriages traversing from Kozhikkode to Nilambur
   2. NATPAC Study report is not scientific and more exploration is required in this regard.
   3. People travelling from Kozhikkode to Manjeri town has to get down at satellite bus stand at IGBT and they have to take auto to enter Manjeri town.
   4. There will be financial loss for the bus operators conducting service on the route Manjeri – Kozhikkode.
This authority has considered these objections elaborately and overruled the same. This authority will closely observe the changes in stage carriage operations due to the rerouting plan and the operators can raise their contentions after implementing the plan. If there is any additional requirement of timeslots for buses traversing to and fro from Kozhikkode to Nellipparambha side the same will be addressed as per law. This authority has considered the suggestions of NATPAC with due importance and modifications were suggested considering the public safety and convenience. IGBT is a satellite bus stand and insisting all buses to enter the city will definitely affect the traffic congestion inside the city, the aspect was scientifically studied and by this plan around 120 trips (NATPAC report table 6) can be reduced from the city limit. Alternatively passenger from Kozhikkode to Manjeri can very well avail enough public transport facility from IGBT Bus stand since there are more and enough buses (within a frequency of every minutes – 230 services) are traversing through IGBT bus stand to Manjeri town. Hence the passengers from Kozhikkode to Manjeri in no way are going to affect with the proposed plan. We have also observed that we have not received any of the public representations against this plan in the open hearing of this authority held on 01.02.2019, which is published and notified much before the conduct of this meeting. The very fact shows that the proposal is public friendly and will not going to affect the public adversely.

19. Thus, this authority is in the considered opinion that the proposed re-routing plan suggested by the Secretary, RTA based on the scientific study report; the contentions of public and all affected parties received in writing will have the following benefits:

1. This is a public friendly proposal and will not restrict the travelling interest of the public.
2. This will be beneficial for the passengers from Nellipparambha side to Manjeri town so that they can access service points in a much easier way.
3. There will be a reduction in traffic congestion within the city limit.
4. Halting buses at IGBT will be accelerate the development of the city.

This authority has elaborately considered the matter with paramount importance to the public convenience and within the existing legal framework after considering all the objections from affected parties and also verified the observations made by the Hon. High Court in a series of Judgments and decided to implement the following decisions in Manjeri with respect to the traffic rearrangement suggested by the Traffic Regulatory Committee and Municipality Manjeri as an initial step from 4th February 2019 onwards:

1. All the stage carriages operating on
   1. Towards Kozhikkode – Kondotty (passing through Manjeri)
      SHBT-Medical College-IGBT-Thurakkal
   2. Kozhikkode – Kondotty (Halting at Manjeri)
Thurakkal – Halt at IGBT
Return - Same route.

Manjeri Municipality in consultation with the Traffic Regulatory Committee has to implement the following with immediate effect:
1. Old Bus Stand has to demolished as per law and a bus bay with a waiting shed of at least 30 mts long has to constructed for the comfort of the passengers.
2. All other suggestions and recommendations proposed by NATPAC and recommended by the traffic regulatory committee will have to be implemented after vide public consultation (expect those related to stage carriages).
3. The suggestions and recommendations put forward by the public especially with respect to introduction of one-way system, restriction of heavy vehicles to the city, introduction of parking facilities inside the city etc. mentioned above.

However, the public and/or any other affected parties are free to submit their contentions, if any before this authority and also these modifications are subject to the final disposal of all such pending cases before Hon. High Court of Kerala in this regard.

Departmental Item 1
Ratified the work done by the Secretary, RTA under delegated power.

Supplementary Item No. 1
This is to suggest the nature of action to be taken against the permit holder and registered owner of goods carriage KL 54 G 8436 for not properly responding to the charge memos issued from the office of Joint Regional Transport Officer, Ponnani in connection with the check reports prepared on 08.04.2016, 06.05.2016, 26.10.2016, 27.09.2017 for transporting the vehicle with overload. In response to the charge memos issued, the applicant has appeared in person before the Addl. Registering Authority, Ponnani on 04.01.2019 and submitted that the check reports has to be cleared within three months and since these check reports that of beyond three months, he has requested to cancel the check reports and issue proceedings.

This authority has considered this matter and verified connected records in detail. The act of the permit holder is not acceptable and is further directed to pay the compounded amount of Rs.54,000 within fifteen days of communication of this decision otherwise; the Addl. Registering Authority is authorized to suspend the permit of the said vehicle for thirty days with immediate effect. Further, the permit holder is repeating such offences in future, the authority may take initial steps to revoke the permit.

This authority is of the view that, while dealing with such cases of overload/pending check reports, the respective Registering Authority has the delegated power to take stringent action against the permit holders and dispose the case without further time delay and these type of cases need not be bring to the agenda of this authority in future.
Supplementary Item No. 2

Heard. This is to peruse the Judgment in M.V.A.A. No. 404/2012 of the Hon. STAT, Ernakulam and hence to re-consider the application for variation of regular permit in respect of KL 10 N 5745 (now replaced by KL 18 G 2538), operating on the route Kadampuzha-Kuzhipuram-Tirur touching Valanchery, Malappuram as L.S.O.S. The variation applied is for to provide 2 additional single trips on the Kottakkal-Malappuram sector without curtailment on the existing regular route.

The matter was enquired through MVI, Malappuram and reported that the distance of additional trip sector 12kms variation is within the permissible limits. There is no violation. Hence, the matter was place before the R.T.A. and rejected the same with following remarks:

1. The proposed variation will cause to increase the number of trips on the notified portion from Malappuram to Downhill on the notified route Palakkad – Kozhikkode vide notification No. 42/2009/TRAN dated 14/07/2009 and is the violation of clause 19 of above said notification.
2. The proposed shifting of trip at 3.45 pm to Pottikallu from Kottakkal will result in the elimination of that trip and will adversely affect the traveling public and students.
3. The additional trip is proposed between Malappuram and Kottakkal which is well served by KSRTC and other private bus operators.
4. For the above reasons this authority found that the variation proposed is not satisfying the convenience of traveling public as laid down in provision to sub section 3(ii) of Section 80 of MV Act and is found more disadvantages to the traveling public.

Against this Decision of RTA, the Permit Holder approached the H’ble STAT, Ernakulam in M.V.A.A. No. 404/2012. The STAT allowed the appeal and set aside the impugned order and directed to re-consider the application for variation within two months from the date of receipt of copy of this judgment. Hon. STAT has observed that there is nothing to show that the proposed variation will result in violation of the notification dated 14.07.2009. Again, in the route enquiry report, it is clearly stated that the additional trips sought for is beneficial to the public as well as students.

Thus, this authority is of the opinion that the matter needs a specific and detailed enquiry report on the points mentioned above. Secretary, RTA will conduct a detailed enquiry on the matter explained above and place the application before this authority with a specific report. Decision on this matter is adjourned.

Supplementary Item No. 3

Heard. This is to peruse the judgment dtd 20-12-2018 in MVAA No.274/2017of Honorable STAT and hence to re consider the application for variation of permit in respect of the Stage Carriage KL 10 W 3465(Now replaced to KL 55 V 8592) on the Kuttippuram - Tirur
as ordinary service. Regular Permit 10/63840/2010 valid up to 25/10/2020. The permit holder applied for curtailment of the four Thirirunavaya-Tirur cut trips and change of halting place from Thirunavaya to Perunthallur; time revision and re-arrangements of trips
on the Kuttippuram -Tirue route.
This was enquired through MVI Tirur and he has reported as follows
1. stage carriage KL 10 W 3465 is conducting service on the route with starting time 1.28 AM is not useful to the common people. This is not conductive to travelling public. The permit holder has applied for so as to rearrangement trips with time revision to change existing timings and to change halting place after curtailing Tirur-Tirunavaya Cut trips.
2. Existing timings of the bus in the late night time and halting in the mid night is not actually useful to traveling public. Workers of the bus are also not getting sufficient rest time.
3. Perunthallur to Tirur on the existing route is notified portion on the Ponnani-Chelari route. This is a well-served by KSRTC buses. KSRTC buses are operating just before and just after the timings of the applicant’s service. Total variation is 16 km.
4. Change of halting place is violation of provisions of section 80(3) of MV Act.
5. No new portion is originated due to the proposed variations. Clause 19 of the Notification No 42 /2099 is not violated.
6. There is overlap with notified sector in the existing route from Perunthallur to Thazhepalam (overlaps with Ponnani-Chelari notified route)
7. There is curtailment; Thirirunavaya-Tirur 4 cut trips.
8. This is an intra-district route.
9. Total distance of variation is 16 km. and route lengths after variation is 23 km
10. Existing times are changing.

This matter was placed before the RTA board meeting of 25-01-2017 vide item No.55 and the application was rejected by this authority with following remarks:
1. The permit holder has applied for curtailment of the four Thirirunavaya-Tirur Cut Trips and change of halting place from Thirunavaya to Perunthallur
2. Time revision and re-arrangements of trips on the Kuttippuram-Tirue route. This authority has considered the application and perused the documents in detail.
3. This authority is of the view that curtailment of an existing permit will always be adversely affecting a portion of the regular passengers.
4. The applicant has stated that the trips at early morning will not be beneficial for the passengers. At the time of request for grant of a stage carriage permit, applicants usually submit that the early morning trips are highly beneficial for the travelling public. So, the argument of the applicant that the existing trips are not beneficial for the travelling public cannot be accepted.
5. Further, another request is to change the halting place. This is again a clear violation of section 80 (3) of Motor Vehicles Act.

6. Furthermore this is a short distance route and by curtailing major portion of the route, the applicant has requested to change the basic characteristic of this permit; If the variation is allowed this will be like a fresh stage carriage permit. This is also not acceptable.

7. This authority is of the view that unnecessary change of timings and curtailment of trips will be disadvantageous to the existing travelling public.

8. This authority is for safeguarding the interest of the traveling public and we are of the common opinion that this proposal is not a public friendly one and facilitates the travelling needs of the public.

9. There were vehement objection from State Road Transport Corporation on the proposed variation.

10 In these circumstances this authority is not convinced the need or necessity for a variation of permit conditions of the above mentioned stage carriage as per 80(3) of MV Act. Against this decision of RTA, the applicant filed appeal before the Hon. STAT vide MVAA 274 of 2017 and in the judgment dtd 20-12-2018 Hon. tribunal set aside the decision and the RTA Malappuram is directed to reconsider the application for variation of permit on merits and pass orders in accordance with law within two months. Hon. STAT has set aside the decision of this authority stating that this authority has not take in to account the timings between Thirunavaya and Tirur, what to be curtailed is certain trips and not the areas as such.

We have considered the observations made by Hon. STAT and of the opinion that we have taken this application in its right perspective. Curtailment of even certain trips will affect the travelling general public and all other points mentioned above are still stands important. This authority is convinced that the said variation is not as per Section 80 (3) of Motor Vehicles Act and hence rejected.

**Supplementary Item No.4**

Heard. This is to consider the application for variation of permit in respect of the Stage Carriage KL 57 N 6033 (Old No KL 73 A 6966) on the route Kolathode-Chemmad with halt at Idimozhikkal as ordinary service. Regular Permit 10/13/2001 valid up to 16/01/2021. The permit holder applied to extend the route from Kolathode to Irumpothinkadavu (10 single trips) on the existing regular route without curtailment and without changing existing timings.

The Motor Vehicles Inspector reported that the variation will be advantages to the travelling public. No change in halting place. Section 80(3) of MV Act is not violated. So the proposed variation will be beneficial to the traveling public. There is no notified sector in existing
route and proposed route. Clause 19 of the G.O (P)No.8/2017/Tran dtd 23/03/2017 is not violated.

Thus, we are of the common view that there is no legal impediment in granting the variation of permit as sought by the applicant. Therefore variation of permit conditions on stage carriage permit on the proposed route is **allowed** subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted variation of permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

**Supplementary Item No.5**

Heard. This is to peruse judgment in M.V.A.A No 92/2018 dated 20/12/2018 and to reconsider the application for variation of permit in respect of the Stage Carriage KL-58 A 7333 on the route Wandoor-Mukkam. Regular Permit 10/618/1997 valid up to 31.08.2022. The permit holder applied for extension from Mukkam to Thamarassery via Omassery, Koodathai and Chungam on the existing regular route which was rejected by RTA meeting held on 25.10.2016.

This was enquired through MVI Malappuram and he has reported that total distance of variation is 15 km and the route length after variation is 64.1 km. The proposed extension is in Kozhikode district. The report continues as at present there is no direct bus service from Wandoor to Thamarassery. Grant of extension to Thamarassery will provide direct service and it will increase travelling facility of the general public. There is no route curtailment or trip curtailment.

The matter was placed on RTA meeting held on 25.10.2016 and rejected and taken the decision as “Proposed variation is through the notified portion and which is a violation of clause 19 of G.O (P) No. 42/2009/Trans. Dtd 14.07.2009.In the light of the above observations and findings, this is not convinced on the need of variation of permit condition as per 80(3) of MV Act and thus rejected the application for variation.

Against this decision of RTA appeal was filed by the applicant and as per order in M.V.A.A No 92/2018 dated 20/12/2018, the Hon. STAT, directed to reconsider the variation of permit and pass orders in accordance with law.

This authority has re-considered the application as per the directions contained in the judgment of Hon. STAT. There were major objections from some of the en-route operators stating mainly that:

1. This is against the provisions contained in the G.O. 8/2017
2. They have also produced a Judgment from Hon. Division Bench of High Court of Kerala stating that maximum extension from the middle point of a route is 12 Kms. They have also produced a copy of KLT 281 KLT 426 WP(C) No. 2388 of 2016
Prima facie the objections were found sustainable and this authority is of the view that a
detailed enquiry on the above mentioned points is highly necessary to take a right approach
on this application. Secretary RTA will conduct a detailed enquiry on this application based
on the objections cited above and submit a report before this authority. Hence, decision on
this application is **adjourned**.

**Supplementary Item No.6**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.7**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.8**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.9**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.10**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.11**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.12**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.13**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.14**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.

**Supplementary Item No.15**
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from
the financier, if applicable and clearance of Govt. dues, if any.
Supplementary Item No.16
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.17
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.18
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.19
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.20
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.21
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.22
Heard. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Supplementary Item No.23
This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Thottumukkam – Areekode – Mukkam (via) Pallithazham, Puthiyamidam, Valillapuzha, Pathanapuram, Pallippadi, Eranhimavu, Pannikkode, Kavilada, Cheruvadi, Kodiyathur, Karasseri Juction, Karamoola Junction, Muringampuray, Fathima School, Thekkumkutti as per the decision of Sister RTA, Kozhikkode held on 14.08.2018, Item No. 1. The above application was enquired by the Motor Vehicle Inspector, Malappuram and he has reported that:

Portion of the route in Malappuram District is from :
- Muthottil to Aarekode (via) Valillappuzha and Pathanapuram Pallippadi – 5.4 Kms
- Valillappuzha to Eranhimavu Junction – 1.3 Kms

Total – 6.7 Kms

No Notified Sector on the above portion of the route in this district and hence, Concurrence for the above portion is not objectionable.

Thus, Concurrence is **granted** without prejudice on the right of the primary authority to take a decision on the application for fresh stage carriage permit.
Additional Supplementary Item No. 1

Heard.

This is to peruse the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No. 90 of 2019 Dtd. 11.01.2019 and also to consider the application for fresh S/C permit to operate on the route Pandikkad – Kottothkunne Harijan Colony (via) Kizhakke Pandikkad, Olippuzha, Oravambram, Chemmanthatta, Aattumala Harijan Colony, Alikkaparambu, Maniyanirikkadavu Palam Melattur, Ucharakkadavu, Aalungal, Kombankallu Palam, Pookadi, Kathilakkal Colony and Alunkunnu Schoolpadi Colony as Ordinary Service.

An enquiry on the application was conducted through MVI, RT Office, Malappuram. Major points mentioned in the report were:

1. This is an inter-district route
2. The total Route length is 31 Kms (Malappuram – 29.2 Kms & Palakkad – 1.8 Kms)
3. There is no virgin portion.
4. There is no overlapping with the notified route
5. Applicant has not offered any vehicle.
6. Timings proposed is as per 2.5 Minutes per kilometer (Single Line)
7. The proposed route is passing through the rural ill-served sector. At present there is a frequency of half hour for stage carriage operation.
8. During peak hours, especially during 7.30 a.m. to 10.30 a.m. in the morning and 3.30 to 6.30 p.m. in the evening there are standing passengers in stage carriages.

9. The applicant has produced a judgment from Hon. High Court of Kerala in WP(C) No. 90 of 2019 Dtd. 11.01.2019 and in which there is direction to the Regional Transport Authority to consider the application for regular stage carriage permit and pass appropriate orders strictly in accordance with law.

As per the report of route enquiry officer out of the total route length 31 Kms, a distance of 1.8 Kms is passing through Palakkad District. Concurrence from Sister RTA, Palakkad is necessary for further consideration of this application. Therefore, in obedience to the directions contained in the aforesaid judgment, fresh regular stage carriages permit on
the proposed route has been considered and **adjourned** the decision for want of concurrence. Secretary, RTA will seek concurrence from Sister RTA, Palakkad and place the application before this authority.

Sri. M.P. Ajithkumar, Deputy Transport Commissioner CZ -1, Member RTA

Sri. Pratheesh Kumar IPS, District Police Chief, Member RTA

Sri. Amit Meena IAS, District Collector, Chairman RTA