

**Minutes of Regional Transport Authority, Muvattupuzha**  
**Held on 28 October 2021 (virtual mode)**

Present:

1. Sri. Jafar Malik IAS, District Collector; Chairman RTA, Muvattupuzha
2. Sri. K. Karthick IPS, District Police Chief (Ernakulam Rural) & Member
3. Sri. Shaji Madhavan, Deputy Transport Commissioner Central Zone -II & Member

**Item No.1**

This is an application filed for fresh regular permit in respect of KL 40 S 450 or other suitable stage carriage with seating capacity not less than 34 in all to operate on the route Perumbavoor – Methala – Kothamangalam – Valiyapara.

This authority considered the application and verified connected files. However, the applicant failed to attend the meeting.

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

**Item No.2**

Heard.

This is an application filed for fresh regular permit for a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Kothamangalam – Uppukandam – Kottappady – Perumbavoor – Vavely; One Single trip Kothamangalam – Perumbavoor via. Odakkali and Nellikuzhi as ordinary service.

We have verified the application; verified connected records and files and considered the objections raised in the open hearing (by virtual mode) of this authority.

An enquiry has been conducted through Joint RTO Kothamangalam and the field officer reported that among the proposed route, certain portions are not having sufficient travelling facilities for the public. He has also reported that the proposed permit is beneficial to the travelling en-route passengers. No violation of notified schemes were reported. All other objections were also considered as per law.

Thus, 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 with seating capacity 38 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 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 an application filed for fresh regular permit for a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Koovappara – Kothamangalam via. Malippara, Thattekkad, Palamattom, Pinavoorkudy and Charupara as ordinary service .

An enquiry has been conducted through Joint RTO Kothamangalam and the field officer reported that the proposed time schedule does not clash with operators, since no other services found on the proposed route. No violation of notified schemes were reported. All other objections were also considered as per law.

Thus, 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 with seating capacity 38 in all to 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 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.4**

Heard.

1. This is

- a) to consider the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 14364 of 2021 Dtd. 03.08.2021.
- b) to consider the application for fresh regular stage carriage permit in respect of KL 44 F 5041 (Private Service Vehicle) with seating capacity 42 in all to operate on the route Neriyaamangalam – Kothamangalam to operate as a women special with concessional rate senior citizens (women) and to be operated exclusively with women conductor and driver

2. This authority considered the directions contained in the aforesaid judgment of Hon. High Court of Kerala, in which there is a direction to this authority for considering the application, after giving a reasonable opportunity of being heard to the parties concerned.

3. We have also verified the application; verified connected records and files and considered the objections raised in the open hearing (by virtual mode) of this authority.

4. An enquiry has been conducted through Joint RTO Perumbavoor and as per the report the offered vehicle is 2019 model Private Service Vehicle with M3 Type II body. The field officer further reported that the proposed route is well served in nature. Proposed vehicle is registered as a private service vehicle, which does not comply with the bus body code for stage carriages.

5. This authority considered the application in the light of provisions contained in Sections 70, 71 & 72 of Motor Vehicles Act and corresponding Rules framed thereunder. This is an application for a stage carriage permit and the vehicle offered is a Private Service Vehicle. It is an underlying fact that, in general terms, a stage carriage permit can only be attached to a vehicle which stipulates the conditions and specifications of a stage carriage. It is obvious that a vehicle registered as a Private Service Vehicle cannot hold the characteristics of a stage carriage. In this regard we have also referred the provisions contained in Section 72 (2) (x) of Motor Vehicles Act.

Thus we have considered the application in obedience to the directions contained in the Judgment however we are of the considered opinion that a Stage carriage permit cannot be attached to a Private Service Vehicle as per law.

In this circumstance, this authority considered the application for fresh stage carriage permit on the aforesaid route and **rejected**.

#### **Item No.5**

Heard.

This is to

(1) peruse the judgment from Hon. High Court of Kerala in WP(C) No. 10151 of 2021; Dtd. 07.05.2021

(2) re-consider the application for fresh stage carriage permit on the route Vallikkada \_ Muvattupuzha – Pattimattom – Kizhakkambalam – Pallikkara – Kakkanad – Vyttila Hub as Ordinary Service

1. This is an application for fresh stage carriage permit on the above mentioned intra-district route. This authority considered the application, verified connected records and files in detail and also considered the directions contained in the aforesaid judgment of Hon. High Court of Kerala. There were objections raised in the meeting of this authority for and against the application, which were also considered in the light of provisions contained in law.

2. This application has been considered twice by this authority by way of circulation of papers u/R 130 of KMVRs. Now, As per the directions contained in

the judgment of Hon. STAT and Hon. High Court of Kerala we reconsidered the application.

3. We have examined the route enquiry report submitted by the Motor Vehicle Inspector, Which reveals the following:

- This is a moffusil intra-district service.
- Total route length is 78.5 Kms.
- There is no virgin portion
- There is a daily mileage of 270.4 Kms.
- There is an overlapping of 3.7 Kms in the notified sector
  - i) Vazhappilly to private bus stand, Muvattupuzha      3.0 Kms
  - ii) Edappally signal junction to toll junction              0.5 Kms
  - iii) Vytila Hub to Vytila Junction                              0.2 Kms

G.O. (P) 8/2017/Trans. Dtd. 23.03.2017

4. However in the open hearing (by virtual mode) of this authority there was vehement objection from the representative of State Transport undertaking that the proposed route violates the conditions stipulated in G.O.(P) 5/2017/Tran. Dtd. 21.02.2017 Ernakulam – Muvattupuzha notified scheme. As per Clause 5 (c) of the above notification, fresh stage carriage permits will also be granted to private stage carriages of other routes permitted to overlap between Muvattupuzha KSRTC Bus station and Muvattupuzha Nehru Park Junction (1.7 Kms). There is also a direction in Clause 19 of the above notification on restrictions of issuing fresh stage carriage permits. Up on verification of the report of route enquiry officer, we are of the opinion that the proposed route overlaps with Ernakulam – Muvattupuzha Scheme beyond the portions mentioned in Clause 5(c) of the notification at Muvattupuzha and Vytila. Thus, objections found sustainable.

5. Hence the application for fresh stage carriage permit on the route Vallikkada \_ Muvattupuzha – Pattimattom – Kizhakkambalam – Pallikkara – Kakkanad – Vytila Hub as Ordinary Service considered as per law and **rejected** as per the provisions contained in Ernakulam – Muvattupuzha notified scheme G.O.(P) 5/2017/Tran. Dtd. 21.02.2017.

#### **Item No.6**

Heard.

1. This is to

- (i) To peruse the Judgment from Hon. High Court of Kerala in WP(C) No. 9945 of 2021; Dtd. 11.05.2021

(ii) To consider the application for fresh stage carriage permit on the route Perumbavoor – Kottappady – Muvattupuzha – Koottanveli – Kothamangalam as Ordinary Service

2. This is an application for fresh stage carriage permit on the above mentioned intra-district route. This application has been considered twice by this authority by way of circulation of papers u/R 130 of KMVRs. Now, As per the directions contained in the judgment of Hon. STAT and Hon. High Court of Kerala we reconsidered the application as per law. We have verified connected records and files in detail and also considered the objections raised in the meeting of this authority for and against the application, in the light of provisions contained in law.

3. Motor Vehicles Inspector, Muvattupuzha has submitted a route enquiry report on the application. This is an intra-district route with 61 Kms route length. There is no objectionable overlapping with notified sector. The field officer further reported that the proposed time schedule does not clash with operators, since no other services found on the proposed route.

4. Thus, 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 stage carriage with seating capacity 38 in all 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 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**

To re-consider the application for variation of regular permit in respect of Stage Carriage KL-13 R 4796 operating on the route Aluva- Vyttila Hub (Via) Pukkattupady, Kizhakambalam, Pattimatom, Kadayiruppu,, Kolencherry, Pazhamthottam and Palarivattom Bypass As

Aluva- Vyttila Hub by avoiding the trip @ 8.51 am from Infopark gate to Aluva and intend to operate to Perumbavoor (Via) Vikasavani,Pukkattupady, Malyidamthuruthu and Chemperakky. Then intend to operate to Aluva (Via) Chemperakky and Choody and return to Perumbavoor.

Applicant was absent in the open hearing of this authority and Hence decision of this application is **adjourned**.

**Item No.8**

1. To consider the application for variation of regular permit in respect of Stage Carriage KL63 G 7009 (Previous vehicle KL 34 A 1258) operating on the route Kuruppumpadi – Akanad – Aluva via. Perumbavoor and South Vazhakkulam as To operate starting and halting at Malayattur Adivaram and subsequently avoing one trip Akanad – Kuruppumpadi; No other changes.

2. This authority considered the application, verified connected records and files in detail

As per the report of route enquiry officer, this is an intra-district route permit with 30.3 Kms route length. The permit holder has requested for a change in halting and starting trip to Malayattur Adivaram subsequently curtailment of one trip between Kuruppumpady and Akanad. There is no overlapping with notified sector in the proposed varied route. The field officer reported that the curtailment of the route portion from Kuruppumpady to Akanad will adversely affect the passengers. He has further stated that Malayattur being a pilgrim centre, the new service starting at 6.55 a.m. will be beneficial to the pilgrims and other passengers and the last trip Kuruppumpady to Malayattoor will be beneficial to the passengers. He also pointed out that all other changes except the trip curtailment in the morning is favourable to public.

3. This authority is of the common opinion that the report of the enquiry officer is not suffice to take a right approach on this application. He has reported that the curtailment will adversely affect the travelling public and at the same time the extension will be beneficial to the public. Thus, a detailed enquiry report with specific recommendation based on the provisions contained in relevant portions of Motor Vehicles Act and Rules and also with facts and figures is highly essential to take a right approach on this application. The Secretary, RTA will conduct one more enquiry on this matter and place a detailed, specific report before this authority.

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

**Item No.9**

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 44 B 6975 operating on the route Kothamangalam – Thodupuzha - Pothanicad via. Muvattupuzha, Vazhakkualam, Kakkadasserry As

To operate the starting trip from Pothanicad at 5.40 a.m. to Kothamangalam via. Anchappetty, Varappetty so as to reach Kothamangalam at 6.28 and depart at 6.35 a.m. further reaches at Muvattupuzha at 07.05 a.m. (Instead of starting from Pothanicad to Muvattupuzha via Kakkadasserry). No other changes.

2. This authority considered the application, verified connected records and files in detail

As per the report of route enquiry officer, we have also considered the objections raised in the meeting for and against the application. This is an intra-district route permit with route length 44 Kms; total route length after variation is 54 Kms. The proposed variation is for one additional trip in the morning from Pothanicad to Kothamangalam at 05.40 a.m. further to Muvattupuzha reaches at 07.05 a.m. by curtailing Pothanicad – Muvattupuzha via. Kakkadasserry. He has further reported that there is no additional overlapping with notified sector due to variation. The field officer reported that this will be beneficial to the passengers and travelling public. However there is a curtailment of trip between Pothanicad and Muvattupuzha via. Kakkadasserry in the morning. There is no mentioning in the report on the effect of this variation on the passengers.

3. This authority is of the common opinion that the report of the enquiry officer is not suffice to take a right approach on this application. He has reported that the extension will be beneficial to the public by keeping mum on the effect of curtailment. Thus, a detailed enquiry report with specific recommendation based on the provisions contained in relevant portions of Motor Vehicles Act and Rules and also with facts and figures is highly essential to take a right approach on this application. The Secretary, RTA will conduct one more enquiry on this matter and place a detailed, specific report before this authority.

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

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

Heard.

1. To consider the application for variation of regular permit in respect of Stage Carriage KL 40 K 7479 operating on the route Kothamangalam – Angamaly via. Odakkaly, Perumbavoor, Kalady as to curtail the last round trip between Kothamangalam and Perumbavoor due to lack of passengers. No other changes.

2. This authority considered the application, verified connected records and files in detail

As per the report of route enquiry officer, we have also considered the objections raised in the meeting for and against the application. This is an intra-district route

permit with route length 33 Kms. There is no additional portion originated due to proposed variation. The intension of the applicant is to curtail last round trip between Perumbavoor and Kothamangalam. The field officer further reported that no circumstances as stipulated in Rules 145 (6) of KMVRs. It is clearly pointed out that, although lots of stage carriages are operating on the proposed route, last round trip curtailment can be inconvenient to the night commuters. The field officer concluded that the variation proposed is not in the interest of public and will not serve the convenience of public.

3. Regional Transport Authorities are constituted to safeguard the interest of the public and thus paramount consideration has to be given for the benefit of travelling passengers. In this circumstances we are of the opinion that the proposed variation for curtailment of last trip is against the interest of the travelling public and hence the application is **rejected**.

**Item No.11**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 48 D 3465 operating on the route Vaveli – Kothamangalam from the name of first applicant to the name of second applicant.

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.12**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 17 E 2139 operating on the route Perumbavoor – Kothamangalam from the name of first applicant to the name of second applicant.

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.13**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 40 K 4145 operating on the route Vadattupara – Perumbavoor from the name of first applicant to the name of second applicant.

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.14**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 38 E 4128 operating on the route Perumbavoor – Kothamangalam from the name of first applicant to the name of second applicant.

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.15**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 40 L 8355 operating on the route Aluva – Kolancherry from the name of first applicant to the name of second applicant.

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.16**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 40 H 2025 operating on the route Ernakulam South – Paingottoor from the name of first applicant to the name of second applicant.

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.17**

This is to consider the application for transfer of regular permit in respect of S/C KL 13 P 7490 (New vehicle KL 17 D 0720 – under Lease agreement) operating on the route Inchithotty – Perumbavoor from the name of first applicant to the name of second applicant.

Applicants were absent for the open hearing of this authority.

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

**Item No.18**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 10 W 5233 operating on the route Vadattupara Rock Junction – Muvattupuzha from the name of first applicant to the name of second applicant. 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.19**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 34 C 7123 operating on the route Kothamangalam – Aluva as LSOS from the name of first applicant to the name of second applicant.

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.20**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 40 D 799 operating on the route Kolancherry – Aluva from the name of first applicant to the name of second applicant.

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.21**

Heard the second applicant.

This is to consider the application for transfer by death of regular permit in respect of S/C KL 44 D 6591 operating on the route Plamudy – Muvattupuzha via. Kottapady, Kothamangalam from the name of first applicant to the name of second applicant.

Transfer of permit by death **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

**Item No.22**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 40 J 6665 operating on the route Aluva - Kolancherry from the name of first applicant to the name of second applicant.

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.23**

Heard.

This is to consider the application for transfer of regular permit in respect of S/C KL 59 D 6875 operating on the route Moolamattom - Kaloor from the name of first applicant to the name of second applicant.

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.24**

Heard.

This is a request from Secretary, RTA Idukki to consider the application for issuing concurrence for fresh stage carriage permit on the route Vellakkayam – Thodupuzha via. Perumballichira, Ezhallur, Plantation, Kaloor, Paingottoor, Ottakkandam and Mulliringad as Ordinary Service.

This was enquired by the MVI, Muvattupuzha and as per the report, portion of the route from Kallampilly Kavala to Ottakkandam lies in the jurisdiction of this authority. No objectionable overlapping or Notified Sector on the above portion of the route.

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.

**Departmental Item 1**

Ratified the work done by the Secretary, RTA, Muvattupuzha under delegated powers.

Sri. Shaji Madhavan, Deputy Transport Commissioner Central Zone -II & Member – Sd/-

Sri. K. Karthick IPS, District Police Chief (Ernakulam Rural) & Member- Sd/-

Sri. Jafar Malik IAS, District Collector; Chairman RTA, Muvattupuzha – Sd/-