

**DECISION OF REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM IN ITS MEETING HELD ON 23-11-2022**

Present :

Sri. Geromic George IAS

The District Collector & Chairman
Regional Transport Authority
Thiruvananthapuram.

Sri. Sparjan Kumar IPS

The Commissioner of Police &
Member, Regional Transport Authority
Thiruvananthapuram

Sri. Joshy.K

Deputy Transport Commissioner
South Zone, Thiruvananthapuram &
Member, Regional Transport Authority
Thiruvananthapuram.

Item No. 1

Heard. Adv K.V Gopinathan Nair represented the applicant.

This is an application for renewal of regular permit in respect of stage carriage KL-13-T-2829 to operate on the route KAIMANAM – KUDAPPANAKUNNU via Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada.


Objection of KSRTC

KSRTC objected the renewal stating that there is scheme violation and violation of the Judgments.

1.The Government issued a notification No. G.O(P) 8/2017/Tran.Dated 23.03.2017 modifying the existing Notification No. G.O(P)42/2009/Tran.Dated.14.07.2009. As per Clause 5© of the notification private stage carriages are allowed to overlap only 5 kms or 5% of the total route length, whichever is less on the notified route. They contended that out of the total route length of 16 kms Thiruvananthapuram to RR LAMP 2.5Kms overlaps on the Thiruvananthapuram –Varkala scheme. But permissible overlapping is 800 meters only.


CHAIRMAN

MEMBER1


MEMBER2

2.They also contended that there is violation of Judgments. They quoted 6 judgments to prove their claim. The main content of that judgments is that once a scheme is published U/S 68-D in relation to any area or route or portion thereof, whether to the exclusion, complete or partial of other persons or otherwise, no person other than STU may operate on the notified area or notified route except as provided in the scheme itself.

Findings of this authority.

1. This route is included in the 100 city permit routes allotted to the private stage carriages to operate in Thiruvananthapuram City vide G.O (P) No 108/1994 dated.24.11.1994.

2. Subsequent to the default of the permit holder, the RTA in its meeting held on 09.11.1999 decided to notify the vacancy and invited fresh applications from qualified private operators. According to the decision of RTA, 27 applications received by notification were placed before the RTA in its meeting held on 26.03.2002.

3.The regular permit on this route **KAIMANAM -KUDAPPANAKUNNU** via Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada is issued by RTA held on 26.08.2011 as per the direction of Hon'ble High Court in O.P No- 20776/2002 dated 02.06.2011.

4.In OP Nos.19231,19809,21520 and 20776 of 2002 the Judgment of Hon'ble High Court of Kerala directed to grant regular permit in the above route along with other 3 operators who were operating the route by way of 4 months TP at that time. The procedure for granting regular permit on this route began even long before passing the Notification No G.O (P) 42/2009 dt.14-07-2009. The route was in operation while passing this G.O. Hence this authority considers this permit as a saved permit.

5.The said grant was done in obedience to court order. The permit was issued in 2011 and the travelling public is enjoying the benefits of the service for the last 11 years. This authority is bound to protect such benefits and convenience of travelling public.

6.As per the Order of Hon'ble State Transport Appellate Tribunal(STAT) in M.V.A.A No. 142/2017,the previous grant of renewal of permit in respect of the S/C KL-13-T-2829 was re-considered and upheld by the RTA in its meeting held on 18.09.2021vide item No.86.

CHAIRMAN

MEMBER1

MEMBER2

7. based on the above findings, renewal of permit in respect of stage carriage KL-13-T-2829 on the route **KAIMANAM -KUDAPPANAKUNNU** via Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada **is granted** for a period of 5 years from 21-10-2021 subject to the production of NOC from the finance company in case of Hypothecation and clearing of all dues to the government.

Item No.2

Heard Adv. K.V.Gopinathan Nair represented the applicant.

This is an application for renewal of regular permit in respect of stage carriage KL-05-Q-5306 to operate on the route Nalanchira-Vazhayila (Via) Paruthipara, Kesavadasapuram, Pattom, PMG Junction, Palayam, Vellayambalam, Kowdiar, Ambalamukku, and Peroorkada.

Objection of KSRTC

KRTC objected the renewal alleging that the fresh permit is granted after the publication of the Nationalised Scheme in Notification No G.O(P) 42/2009/Tran dated 14-07-2009 (Modified Notification G.O(P) No.8/2017/Tran.23.03.2017) and the route objectionably overlaps on the nationalized route and hence the applicant is not entitled to get renewal in the said portion of the route. They contended that the route portion from Palayam to Mannanthala 8kms overlaps on the Thiruvananthapuram-Kottayam Scheme.

Section 104 of Motor Vehicles Act says that the Regional Transport Authority or State Transport Authority shall not grant any permit except in accordance with the provisions of the scheme. Therefore by virtue of section 103(2) and 104 of Motor Vehicles Act, This application is liable to be rejected as it violates clause 5© of the approved scheme.

Complaint filed by Adv. Abhilash S. Nair

His contention is that Stage Carriage KL-05-Q-5306 has been conducting service as "East Fort- Mannathala." for more than 6 months. This has to be examined and action has to be taken against this vehicle.


CHAIRMAN

MEMBER1


MEMBER2

This authority perused the permit file and connected documents and the following facts were observed.

Findings of this authority & decision

1.This permit is granted to the applicant by the RTA held on 02.02.2012 in item No-1 after inviting fresh application through notification in the lapsed vacancy of stage carriage KER 1287. Hence this route is included in the 100 permits issued under the notification G.O (P) No.108/1994/Tran dated 24.11.1994

2.This permit was granted to the most eligible candidate after scrutinizing the eligibility of the applied candidates. The procedure of the said grant is done according to law. Even though this permit was subsequently issued in 2012, that is after the publication the notification dated 14/07/2009 this route is a saved route to the private operators and the travelling public is enjoying the benefits of the service for more than 11 years.

Since this permit is a saved permit, objection of KSRTC is overruled and the Renewal of regular permit in respect of stage carriage KL-05-Q-5306 on the route Nalanchira-Vazhayila (Via) Paruthipara, Kesavadasapuram, Pattom, PMG Junction, Palayam, Vellayambalam, Kowdiar, Ambalamukku, and Peroorkada **is granted** for a period of 5 years from 29-03-2022 subject to the production of NOC from the finance company in case of Hypothecation exists and clearing of all dues to the government.

Since complaint has been filed against the Violation of Permit Conditions, **Secretary, RTA is directed to conduct an enquiry on the matter and take necessary action against the vehicle.**

Item No.3

Heard. Renewal of regular permit in respect of stage carriage **KL-01-CD-2230** on the route KALADY – PULAYANARKOTTA via. Manacaud, East Fort, Palayam, General Hospital Jn., Pettah, Medical College And Ulloor **is granted** for a period of 5 years from 06.10.2021

Item No.4

Heard Adv. K.V Gopinathan Nair, the learned counsel represented the applicant.


CHAIRMAN

MEMBER1


MEMBER2

This is an application for renewal of regular permit in respect of stage carriage **KL-01-BP-2214** on the route **KUDAPPANAKUNNU-KAIMANAM**.

Objection of KSRTC

KSRTC objected the renewal alleging that the fresh permit was granted after the publication of the Nationalised scheme in Notification No-G.O (P) 42/2009/Tran dated 14.07.2009 and the route portion from Thampanoor to Palayam RR Lamp 2.5kms objectionably overlaps in the nationalized route Trivandrum- Varkala (Scheme). Hence the applicant is not entitled to get renewal on the said portion of the route.

Findings of this authority and decision

This authority perused the permit file and connected documents and the following factors were observed.

1. The regular permit on this route **KUDAPPANAKUNNU - KAIMANAM** via.Peroorkada, Ambalam Jn, Kowdiar, Nanthencode, Statue, EF,OB, Thampanoor,Killipalam Karamana is issued by RTA held on 26.08.2011 as per the direction of Hon'ble High Court in in O.P No- 19809/2002 dated 02.06.2011.
2. The said grant is done in obedience to court order. This permit was issued in 2011 and the travelling public is enjoying the benefits of the service for the last 11 years. This authority is bound to protect such benefits and convenience of travelling public.

Hence the renewal of regular permit in respect of stage carriage KL-01-BP-2214 on the route **KUDAPPANAKUNNU - KAIMANAM** via.Peroorkada, Ambalam Jn, Kowdiar, Nanthencode, Statue, EF,OB, Thampanoor, Killipalam Karamana **is granted** for a period of 5 years from 21-10-2021.

Item No.5

Heard: Renewal of regular permit in respect of stage carriage **KL-01-CN-7558** on the route **THIRUVALLAM- NETTAYAM** Via East Fort, Palayam, Sasthamangalam, Vattiyoorkavu **is granted** for a period of 5 years from 27.04.2022 subject to the production of NOC from the Finance Company in case of Hypothecation and clearing of all dues to the government.

CHAIRMAN

MEMBER1

MEMBER2

Item No.6

Heard. Advocate Sajeevkumar K Gopal represented the applicant.

Considered the grant of renewal of permit in respect of stage carriage **KL-01-BX-5355** on the route **PAPPANAMCODE - KUDAPPANAKUNNU**.

Objection of KSRTC

KSRTC objected the renewal alleging that the fresh permit is granted after the publication of the Nationalised scheme in Notification No- G.O (P) 42/2009/Tran dated 14.07.2009 and the route objectionably overlaps the nationalized route and hence the applicant is not entitled to get renewal in the said portion of the route.

Findings of this authority & Decision

1.This permit is included in the 100 permits allotted to the private stage carriages to operate in Thiruvananthapuram City vide G.O (P) No 108/1994 dated.24.11.1994.

2.Subsequent to the default of the permit holder, the RTA in its meeting held on 09.11.1999 decided to notify the vacancy and invited fresh applications from qualified private operators. According to the decision of RTA, 27 applications received by notification were placed before the RTA in its meeting held on 26.03.2002

3.In OP Nos.19231,19809,21520 and20776 of 2002 the Judgment of Hon'ble High Court of Kerala directed to grant regular permit in the above route along with other 3 operators. The procedure for granting regular permit on this route began even long before passing the Notification No G.O (P) 42/2009 dt.14-07-2009. The route was in operation while passing this G.O.

4.The regular permit on this route **PAPPANAMCODE - KUDAPPANAKUNNU** via. Kaimanam, Karamana, Killippalam, Thampanoor, Overbridge, East Fort, Statue, Nanthencode, Kowdiar, Ambalammukku and Peroorkada is issued by RTA held on 26.08.2011 vide item no-2 as per the direction of Hon'ble High Court in O.P No- 21520/2002 dated 02.06.2011

5.The said grant was done in obedience to court order. The issue procedure completed in 2011 as per court order and the travelling public is

CHAIRMAN

MEMBER1

MEMBER2

enjoying the benefits of the service for the last 11 years. This authority is bound to protect such benefits and convenience of travelling public.

6. As per the Order of Hon'ble State Transport appellate Tribunal in M.V.A.R.P No.20/2017 the previous grant of renewal was reconsidered by the RTA dated 18-09-2021 and upheld the decision of RTA in granting the renewal.

Based on the above findings, renewal of regular permit in respect of stage carriage **KL-01-BX-5355** on the route PAPPANAMCODE - KUDAPPANAKUNNU via. Kaimanam, Karamana, Killippalam, Thampanoor, Overbridge, East Fort, Statue, Nanthencode, Kowdiar, Ambalammukku and Peroorkada **is granted** for a period of five years from 11.10.2021.

Item No.7

Heard. Renewal of regular permit in respect of stage carriage **KL-21-B-1112** on the route POONTHURA - 6TH STONE Via. Beemappally, Valiathura, Vallakkadavu, East Fort, Overbridge, Palayam, Nanthencode, Devaswam Board Jn., Peroorkada ,AKG Nagar, Peroorkada & Vazhyila **is granted** for a period of 5 years from 04-05-2022.

Item No.8

Heard Adv. K.V Gopinathan Nair, the learned counsel represented the applicant.

This is an application for renewal of regular permit in respect of stage carriage **KL-16-R-3637** on the route KAIMANAM - KUDAPPANAKUNNU .

Objection of KSRTC

KSRTC objected the renewal alleging that the fresh permit is granted after the publication of the Nationalised scheme in Notification No- G.O (P) 42/2009/Tran dated 14.07.2009 and the route objectionably overlaps the nationalized route Trivandrum- Varkala 2.5 km from Thiruvananthapuram to Palayam RR lamp and hence the applicant is not entitled to get renewal in the said portion of the route.

Findings of this authority and decision


CHAIRMAN

MEMBER1


MEMBER2

This authority perused the permit file and connected documents and the following factors were observed.

1. The regular permit on this route KAIMANAM - KUDAPPANAKUNNU via Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada is issued by RTA held on 26.08.2011 as per the direction of Hon'ble High Court in in O.P No- 19809/2002 dated 02.06.2011.
2. The said grant is done in obedience to court order. This permit was issued in 2011 and the travelling public is enjoying the benefits of the service for the last 11 years. This authority is bound to protect such benefits and convenience of travelling public.

Hence the renewal of regular permit in respect of stage carriage KL-01-BP-2214 on the route KAIMANAM - KUDAPPANAKUNNU via Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada **is granted** for a period of 5 years from 21-10-2021 subject to the production of NOC from the finance Company in case of Hypothecation and after clearing all dues to the government.

Item No.9


Heard. Renewal of regular permit in respect of stage carriage **KL-01- AD-6989** on the route Kundamanbhagam-Devaswam Board Junction via Valiyavila, Thirumala, Pangode, Vazhuthacaud, East Fort, Palayam & Nanthancode **is granted** for a period of 5 years from **18-05-2022** subject to the clearing of all dues to the government and on production of NOC from the finance company in case of Hypothecation exists.

Item No.10

Heard. Renewal of regular permit in respect of stage carriage **KL-16-E-6609** on the KUNDAMANBHAGAM - KUDAPPANAKUNNU (CIVIL STATION) Via. Valiyavila, Thirumala, Pangode, Vazhuthacaud, Palayam, East Fort, Palayam, Nanthencode, Devaswom Board Jn., Kowdiar, and Peroorkada. **is granted** for a period of 5 years from 22-05-2022.


CHAIRMAN

MEMBER1


MEMBER2

Item No.11

Heard. Renewal of regular permit in respect of stage carriage **KL-01- BW-0730** on the route PULAYANRKOTTA - KALADY Via Ulloor, MC, Kumarapuram, Kanammoola, Pallimukku, Pettah, Pattoor, Vanchiyoor, GH, Palayam, OB, EF, Manacaud. **is granted** for a period of 5 years from 02.06.2022 subject to the clearing of all dues to the government and on production of NOC from the finance company in case of Hypothecation exists.

Item No.12

Heard the learned Councils for the applicant and the objectors.

Perused the Judgements of Hon'ble High Court of Kerala in (WPC No.32778/2022dt.14-10-2022, and WPC No.31440/2022dt.07-10-2022)

This is an application for both Renewal of Permit and replacement of Stage Carriage KL-16-A-8639 by a later model stage carriage KL-25-A-1314 (Under lease agreement) to operate on the route VAZHAYILA-THAMALAM via. Peroorkada, Ambalam Jn. Kowdiar, Vellayambalam, Palayam, OB, EF, Kalady & Karamana.

This authority perused the agenda notes submitted by the secretary, RTA and examined the permit file and observed the following.

1. The permit holder Sri. Anwar Hussain, Midland, Venjaramoodu P.O, Thiruvananthapuram has submitted an application for renewal of permit (01/100004/1997) for a further period of 5 years from 02-06-2022. This permit is included in 100 Permits allotted to private stage carriages to operate in Thiruvananthapuram city vide G.O (P) No-108/1994 dated 24.11.1994.

2. There were several disputes occurred in granting of this permit from the time of first grant itself. The permits on this route (Route 15) were granted to Smt. Aruna Unnikrishnan (registered owner of stage carriage KL-01-AC-7299) and Sri. Anvar Hussain (now operating with leased vehicle KL-16-A-8639). One Mr. Kamalolbhavan who was one of the applicant of this regular permit (this permit was granted to him at the first time along with Smt. Aruna Unnikrishnan and later the permit was recalled on finding that he was not eligible and the same was granted to Sri. Anvar Hussain. Now Sri. Anwar Hussain has been conducting service on this route.

CHAIRMAN

MEMBER1

MEMBER2

3.The Judgment of Hon'ble High Court of Kerala (WPC No.32778/2022dt.14-10-2022 and WPC No.31440/2022dt.07-10-2022) directs the RTA to consider the application for renewal within the time limit specified in the Judgment so that the permit holder can replace the vehicle accordingly. The second Judgment directs to issue temporary Permit to the proposed replacement vehicle.

4.By complying the direction in the second Judgment, Secretary RTA has issued Temporary permits to the proposed replacement vehicle KL-25-A-1314.

5.There are two objectors, one for the renewal and another for replacement. Sri. DheeranLal, Son of Sri. Kamalolbhavan objected the renewal. Sri. Abhilash S, Vasanth Vihar, Moolayil Lane, Sasthamangalam objected the replacement stating trip curtailment and he argues that the Stage Carriage binding permit is already scrapped and hence replacement should not be allowed.

6. On the basis of the complaint from Sri. Abhilas.S the whereabouts of the Stage Carriage KL-16-A-8639 was enquired by the secretary RTA and the permit holder was heard on 26-12-2022. While hearing, the permit holder informed that the vehicle binding permit was a leased vehicle and since the vehicle attained 15 years and was not road worthy he has entered into a new lease agreement with the registered owner of stage carriage KL-25-A-1314. The permit holder informed that the vehicle binding permit is not in existence.

7. Since the Stage Carriage binding permit is not in existence renewal and replacement cannot be allowed. **Hence rejected**

Item No.13

Heard Adv. K.V Gopinathan Nair, the learned counsel represented the applicant.

Objection of KSRTC

The Government issued a Notification G.O(P) No.8/2017/Tran Dated 23/03/2017 by modifying the existing Notification (G.O(P)42/2009/Trans Dated.14/07/2009)


CHAIRMAN

MEMBER1


MEMBER2

As per Clause 5© of the notification permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

KSRTC has raised the objection against the renewal of permit in respect of Stage Carriage KL-01-AS-4707 stating that out of the total route length of 21.6kms, the permissible overlapping is 1.8kms. But here Palayam to Mannanthala 10.5kms overlaps on the notified portion Trivandrum-Kottayam(SL 4)

They mentioned that the route variation granted to Stage Carriage KL-01-AS-4707 was rejected by the RTA in its meeting held on 06-06-2018 vide item no.4

Findings of this Authority & decision

1. While granting this permit, the route was Valiyathura-Kudappanakunnu(via) Vallakkadavu, East Fort, Statue, Palayam, PMG Jn Kuravankonam, Muttada, Ambalamukku and Peroorkada.

2. Later, the route was varied as Beemapally-Peroorkada (via) Valiyathura, Vallakkadavu, East Fort, Statue, Palayam, PMG Jn, Pattom, Kesavadasapuram, Nalanchira, Paruthippara, Mannanthala, Mukkolakkal, Kudappanakunnu, Peroorkada by the RTA dated 29-05-2014 vide item No-5 by obeying the Judgment of Hon'ble STAT in M.V.A.A No 419/2013 dated 03.05.2014.

3. All the interested bus operators and KSRTC were heard and timings settled and the route became operative.

4. Later KSRTC filed WPC No.27792/2013 against this variation, stating Scheme Violation and Hon'ble High Court of Kerala in a Common Judgment in WPCNos.(27780/2013, 29149/2013, 27789/2013, 27792/2013, 27896/2013, 25404/2015, 7571/2016, 21603/2016, 23054/2016) Dated.30.11.2017 disposed the writ petitions holding that private operators with city permits are not entitled to secure any grant, variation, or extension of permits in violation of 2009 notification.

5. On the basis of this Judgment, RTA held on 06.06.2018 in item No.4 has revoked the above mentioned variation.

6. Hon'ble State Transport Appellate Tribunal in its (interim order) M.P No. 192/2019 in M.P No.903/2018 in M.P No.903/2018 in M.V.A.A. No 330/2018 dt. 07/03/2019 had stayed the order of RTA and allowed the

CHAIRMAN

MEMBER1

MEMBER2

permit holder to continue the service on the route Beemapally-Peroorkada till the disposal of the appeal.

7. Later Hon'ble STAT in its Common Judgment in M.V.A.A Nos.322,329.330 & 332/2018 dt. 19.03.2019 had set aside the order of RTA revoking the variation and directed to consider the variation applications afresh on individual basis in compliance of the direction in the judgment of Hon'ble High Court of Kerala dt 30.12.2017 and pass orders on merits in accordance with law after hearing both the parties within 2 months of the date of receipt of the copy of the judgment. Hon'ble Court also mentioned that the orders so passed shall be subject to the outcome of the writ appeal pending before the Hon'ble High Court of Kerala.

8. Form the above findings, it is revealed that the direction in the common Order of Hon,ble STAT in M.V.A.A. **No.330/2018** Dt. 19.03.2019 regarding the route variation is not seen as complied with. Hence the decision on renewal application **is adjourned** with direction to the Secretary, RTA to obtain specific report on route variation, and place both the renewal and variation applications together before the RTA after identifying the notified portion if any on the varied route, which is the pre-requirement as mentioned in the judgment for complying the direction of Hon'ble STAT.

It is also directed to issue 4 months TP U/S 87(1) d for continuing the service on the route Beemapally-Peroorkada to the Stage Carriage KL-01-AS-4707.

Item No.14

Heard. Renewal of regular permit in respect of stage carriage **KL-01-BV-2214** on the route POONTHURA - A.K.G.NAGAR Via Beemapally, Valiathura, Vallakadavu, EF, OB, Palayam, Museum, Nanthencode, DBjn, Ambalam ukku & Perrorkadavia Karamana, Killippalam, Thampanoor, OB, EF, Statue, Nanthencode, Kowdiar Ambalam Jn. & Peroorkada **is granted** for a period of 5 years from 01-09-2022.

Item No.15

Heard. Renewal of regular permit in respect of stage carriage **KL-01- BQ-2214** on the route KALADY - PULAYANARKOTTA Via Manacaud, EF, OB, Palayam, GH, Vanchiyoor, Pattoor, Pettah, Pallimukku, Kannammoola, Kumarapuram, M.C & Ulloor **is granted** for a period of 5 years from 25-10-2022.


CHAIRMAN

MEMBER1


MEMBER2

Item No.16

Heard Adv. O.D Sivadas represented the applicant and Adv. K.V. Gopinathan Nair represented the objector Sri. Dheeran Lal.

This Authority perused the Agenda Notes and concerned permit file and observed the following.

1. This is an application for the renewal of permit. The stage carriage **KL-07-AZ-6920** has been conducting service on the route **THAMALAM - VAZHAYILA** via. Karamana, Kalady, East Fort, Palayam Vellayambalam, and Peroorkada on the strength of regular permit (Permit No. 1/10021/1995) valid upto 29.06.2020.

2. The permit holder Smt. Aruna Unnikrishnan, W/o Unnikrishnan D, Rita Nivas, RKV Road, Kanakakunnu Lane, Trivandrum has submitted an application on 08.06.2020 for renewal of permit for a further period of 5 years which is submitted in time. This permit is included in 100 Permits allotted to private stage carriages to operate in Thiruvananthapuram city vide G.O (P) No-108/1994 dated 24.11.1994.

3. There were several disputes occurred in granting of this permit from the time of first grant itself. The permits on this route (Route 15) were granted to Smt. Aruna Unnikrishnan (registered owner of stage carriage KL-01-AC-7299) and Sri. Anvar Hussain (now operating with leased vehicle KL-16-A-8639). One Mr. Kamalolbhavan who was one of the applicant of this regular permit (this permit was granted to him at the first time along with Smt. Aruna Unnikrishnan and later the permit was recalled on finding that he was not eligible and the same was granted to Sri. Anvar Hussain). Sri. Kamalolbhavan, who operated this route on the strength of temporary permit by virtue of court orders, filed petition against the grant of permit on this route.

4. Sri. Kamalolbhavan filed WPC No- 32186/2013 before the Hon'ble High Court challenging the decision of RTA dated 08.11.2012 in Item No-13 and challenging the judgment of Hon'ble STAT in MVAA No- 73/2013 dated 07.11.2013, in those impugned orders permits were granted to Smt. Aruna Unnikrishnan and Sri. Anvar Hussain.

5. The Hon'ble High Court vide judgment dated 03.02.2014 in WPC No- 32186/2013 has directed that RTA shall expedite the matter and grant regular permit to most entitled persons among Smt. Aruna Unnikrishnan,

CHAIRMAN

MEMBER1

MEMBER2

Sri. Anwar Hussain and Sri. Kamalolbhavan after hearing them along with K.S.R.T.C.

6 .As such RTA on 17.06.2014 heard the concerned parties, perused records, awarded marks and grant permits to Smt. Aruna Unnikrishnan and Sri. Anvar Hussain, who were found most eligible operators.

7. Hence now the operators of this route (Route No-15) to and fro are Smt. Aruna Unnikrishnan and Sri. Anvar Hussain. The PRA application for renewal of regular permit has received from Smt. Aruna Unnikrishnan and the same was enquired.

8. As per the Judgment of Hon'ble High Court of Kerala in WP© 19488/2021(I) the decision on the renewal application in respect of stage carriage KL-07-AZ-6920 was adjourned by the RTA dated 18-09-2021 vide item No.58. The Judgement directed the RTA to defer all proceedings till 29/09/2021 and later the period was extended up to 20-10-2021 as per the order dated 29-09-2021.

9. While considering the application for renewal, Sri. Dheeranlal.K, S/o Kamalolbhavan, Mani Mandiram, Attingal has objected the renewal. This authority examined the connected file and observed that all the disputes on the issuance of regular permit were considered and taken a final decision by RTA on 17-06-2014, hence the objection is overruled and Renewal of Permit in respect of Stage Carriage KL-07-AZ-6920 **is granted** for a period of 5 years from 29-06-2020.

Item No.17

Heard Adv. K.V.Gopinathan Nair represented the applicant and Adv. K.Reghu Varma the objector Sri. Arun .V.S, Maheswari Vilasam, Thirumala.

This is an application for the Renewal of regular permit in respect of stage carriage **KL-02-T-5499**. This authority perused the connected records. On verification of the permit file, it is revealed that the RTA in its meeting held on 19-09-2007 granted this Regular permit to Sri. Muraleedharan Nair on the basis of the Judgment of Hon'ble High Court of Kerala in OP No2121/1997(OP No 23. Dt.13.02.2007) and as per the High Court Order in WP© No.14641/2007 Dt.08/05/2007. There was no separate quota for ex-service men. But while granting permit, preference was given to an ex-service man. Later he transferred this permit to his daughter Smt. Srilatha Nair in the RTA meeting held on 16-06-2008 vide Item No.I. Later

CHAIRMAN

MEMBER1

MEMBER2

this permit was again transferred to Sri. Muhammed Sherief.B as per the Judgment in WP© 3651/2021 Dated 23/02/2021.

Based on the above findings objections over ruled and renewal of permit on the route **ULLOOR - ULLOOR (CIRCULAR)** via. Medical College, Kannammoola, Pattoor, G.H. Jn., Palayam, Statue, East Fort, Statue, Palayam, PMG Jn. Pattom, Kesavadasapuram **is granted** for a period of 5 years from 05-12-2022.

Item No.18

Heard Sajeevkumar K.Gopal, the learned Counsel represented the applicant.

This is an application for both route variation and renewal of permit inrespect of Stage Carriage KL-01-AX-707.

Objection of KSRTC

In the existing route Medical College to UlloorJn 800 meters overlaps on the Notified portion Thiruvananthapuram-Chirayinkil (Notification G.O.(P) 8/2017/Tran dated 23.03.2017& Notification No. G.O(P) 42/2009/Tran Dt. 14-07-2009. Total Distance is 14.3km. Permissible overlapping is 700meters.

In the proposed variation TVPM Railway Station to TVM Bus entrance 100 meters overlapping exists.

As per Clause 5© of the notification, permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

As per Clause 19 of the Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand"

They contended that granting of variation will be violation of Judgments. They quoted 5 Judgments.

There is no specified Bus Stop between Model School and Thampanoor. Proposed time schedule not produced.

Findings of this Authority & Decision

1.The Stage Carriage KL-01-AX-707 has been operating on the route **PONGUMMOODU - NEERAMANKARA** Via Ulloor, MC, Kumarapuram,

CHAIRMAN

MEMBER1

MEMBER2

Kannammoola, Pallimukku, Pettah, Pattoor, GH, Palayam, Vazhuthacaud, Jagathy, Poojapura, Kunjalummoodu, Karamana.

2.The permit holder has applied for variation of permit **Pongumoodu-Pappanamcode via** Ulloor, MC, Kumarapuram, Kannammoola, Pallimukku, Pettah, Pattoor, General hospital, Palayam, Bakery Junction, Panavila Junction, Thampanoor, Killippalam, Karamana, Neeramankara.

This variation includes

1.Extension/Deviation of route from Bakery Junction to Karamana via Panavila Junction, Thampanoor, Killippalam-----5.8Km

2.Extension of route from Neeramankara to Pappanamcode---1.2Km

3.Curtailment of route from Bakery Junction to Karamana via Vazhuthacadu, Jagathy and Poojappura-----4.2Km.

3.The proposed variation from existing route -from bakery junction to karamana via panavila junction- Thampanoor-Killippalam has no overlapping in any notified route as mentioned in GO(P) no. 42/2009/trans dated 14/07/2009

4.The proposed variation in route directly connect Medical College Hospital and General hospital to Thampanoor KSRTC bus terminal and Thampanoor Railway Station, which is helpful to patients from Medical College Hospital and general hospital. It is also helpful to other passengers who need to travel from Thampanoor to various places .The proposed variation also helpful for passengers in between Bakery junction and Neeramankara. There is many educational institutions, government offices and hospitals are on the route.

5.But this variation will adversely affect the travelling public who are depending the existing route. There is also many educational institutions and government offices in between Bakery Junction and Karamana via Vazhuthacaud, Jagathy, Poojappura and Kunjalummoodu. The proposed curtailment affects the public in this sector especially employees and students.

6.The existing route length is 14.3 km and route length after proposed curtailment, deviation and extension is 16 km. Hence an increase of 1.7 km in route length found. The change in route length may affect the granted time schedule and hence time has to be settled. Proposed time schedule is not seen as submitted by the applicant.

CHAIRMAN



MEMBER1

MEMBER2



7.The changes in timings and number of trips will affect the timings of other operators and will create unhealthy competition among the en-route operators. Thampanoor is already congested. Granting of variation towards Thampanoor will create intensity of Traffic Problems.

8.As per clause 4 of the Notification G.O (P) No- 8/2017/Tran dated 23.03.2017, permits granted in the Private Sector as on 14.07.2009 will be permitted to operate as Ordinary or Ordinary Limited Stop Service. The maximum distance prescribed in the Rule 2 (oa) in the Kerala Motor Vehicles Rules, 1989 shall apply to these saved permits **provided that further extension or variation shall not be allowed under any circumstance.** The portion on the route from Medical College to Ulloor is included in the notified route Sl No.2 Thiruvananthapuram-Chirayinkeezhu. Therefore further variation on the existing route cannot be allowed. This variation will violate clause 4 of the said notification.

9.Hence on the above grounds, the application for variation of permit in respect of stage carriage **KL-01-AX-707** as **Pongumoodu-Pappanamcode via** Ulloor, MC, Kumarapuram, Kannamoola,Pallimukku, Pettah, Pattoor, General hospital, Palayam,Bakery Junction, Panavila Junction,Thampanoor,Killippalam, Karamana, Neeramankara is hereby **rejected.**

10.Renewal of Permit to conduct service on the existing route **is granted** for a period of 5 years from 20-10-2021.

Item No.19

Heard Advocate K.V.Gopinathan Nair represented the applicant.

Perused the judgment of Hon'ble State Transport Appellate Tribunal(STAT) in M.V.A.A No.251/2017 dated 28-02-2022.

Considered the grant of variation of permit in respect of Stage Carriage **KL-05-R-5858** in the light of the above judgment.

Considered the application for renewal of permit in respect of stage carriage **KL-05-R-5858** for a period of 5 years from 07-04-2022.

Objection of KSRTC


CHAIRMAN

MEMBER1


MEMBER2

In the existing route Medical College to UlloorJn 800 meters overlaps on the Notified portion Thiruvananthapuram-Chirayinkil (Notification G.O.(P) 8/2017/Tran dated 23.03.2017& Notification No. G.O(P) 42/2009/Tran Dt. 14-07-2009. Total Distance is 14.3km. Permissible overlapping is 700meters.

As per Clause 5© of the notification, permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

As per Clause 19 of the Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand”

They contended that granting of variation will be violation of Judgments. They quoted 5 Judgments.

There is no specified Bus Stop between Model School and Thampanoor. Proposed time schedule not produced.

Findings of this authority & Decision

1.The stage carriage KL-05-R-5858 is operating on the route NEERAMANKARA- PULAYANARKOTTA Via Karamana, Poojappura, Jagathy, Vazhuthacaud, Palayam, General Hospital Jn, Pallimukku, Medical College and Ulloor.

2.The permit holder has applied for variation of permit **as** NEERAMANKARA- PULAYANARKOTTA Via Karamana, Poojappura, Jagathy, Vazhuthacaud, **Panavila- Thamapanoor- Panavila- Bakery Jn**, Palayam, General Hospital Jn, Pallimukku, Medical College and Ulloor (Thereby variation of service from Vazhuthacaud to Thamapanoor via Panavila and from Thampanoor to Bakery Jn via Panavila)

3.Total Distance of existing route is 14.4kms and total distance after variation is reported to be 18 kms

4.The proposed variation directly connects Pulayanarkotta,Medical College Hospital and General Hospital to Thampanoor KSRTC bus Terminal and Thampanoor Railway Station, which is helpful to patients from Pulayanarkotta, Medical College Hospital and General Hospital since there is not much direct service from Pulayanarkotta to Thampanoor. It is also

CHAIRMAN 

MEMBER1


MEMBER2

helpful to other passengers who need to travel from Thampanoor to various places.

5. At present the vehicle is operating from Neeramankara to Pulayanarkotta via Bakery Jn without touching Thampanoor. This variation need additional time (9 minutes more) and it creates more time to arrive at Pulayanarkotta than the present existing time. Also as per the proposed timings, number of trips were increased. So the changes in timings and number of trips will affect the timings of other operators and will create unhealthy competition among the en-route operators. Thampanoor is already congested. Granting of variation towards Thampanoor will create intensity of Traffic Problems.

6. As per clause 4 of the Notification G.O (P) No- 8/2017/Tran dated 23.03.2017, permits granted in the Private Sector as on 14.07.2009 will be permitted to operate as Ordinary or Ordinary Limited Stop Service. The maximum distance prescribed in the Rule 2 (oa) in the Kerala Motor Vehicles Rules, 1989 shall apply to these saved permits **provided that further extension or variation shall not be allowed under any circumstance.** The portion on the route from Medical College to Ulloor is included in the notified route Sl No.2 Thiruvananthapuram-Chirayinkeezhu. Therefore further variation on the existing route cannot be allowed. This variation will violate clause 4 of the said notification.

7. As per clause 19 of the said Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand.

8. Hence on the above grounds, the application for variation of permit in respect of stage carriage **KL-05-R-5858** from Vazhuthacaud to Thampanoor via Panavila and from Thampanoor to Bakery Jn via Panavila on the route Neeramankara- Pulayanarkotta is hereby **rejected**.

9. Renewal of Permit to conduct service on the existing route **is granted** for a period of 5 years from 07-04-2022.

Item No.20

Heard Adv. K.V Gopinathan Nair, the learned counsel represented the applicant.


CHAIRMAN

MEMBER1


MEMBER2

Perused the Judgment of Hon'ble State Transport Appellate Tribunal in M.V.A.A Nos 322,329,330 & **332**/2018 dt.19.03.2019.

Considered the applications for both Renewal and Route Variation in respect of Stage Carriage KL-01-BJ-9693.

Objection of KSRTC

The Government issued a Notification G.O(P) No.8/2017/Tran Dated 23/03/2017 by modifying the existing Notification (G.O(P)42/2009/Trans Dated.14/07/2009)

As per Clause 5© of the notification, permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

Out of the total route length of 24kms, the permissible overlapping is 1.2kms but here Thiruvananthapuram to Palayam 3.1 kms overlaps on the notified portion Trivandrum- Varkala.

As per Clause 19 of the Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand"

They contended that granting of variation will be violation of Judgments. They quoted 5 Judgments.

Findings of this Authority.

1. While granting this permit, the route was **Sreekariyam-Attukal** via Pongumoodu, Ulloor, Medical College, Kannammoola, Pallimukku, Pattoor, GH Jn, Vanchiyoore, OB, and East Fort.

2. Later, the route varied as **Sreekariyam - Kochuveli Railway Railway Station** via. Pongumoodu, Ulloor, MC, Kumarapuram , Kannammoola, Pallimukku, Pattoor, GH Jn, Vanchiyoore, overbridge and EF, Attukal Temple, New road, Killipalam Thampanoor, EF Statue, palayam, pettah, chackai, All-saints college, Shangumugham, Vettukakdu Church, Veli Tourist Village as per the decision of RTA TVPM dt.02.02.2012 in Item-14.

3. The enquiry officer specifically reported the benefits expecting from the proposed extension. Presently 10 Trains are starting from Kochuveli Railway Station. This railway station is expected with wide expansions in

CHAIRMAN

MEMBER1

MEMBER2

the recent future since Trivandrum Railway Station remains scope less for further developments. Passengers boarding from and alighting at Kochuveli Railway Station feel much difficulty presently, in catching buses in connection with their rail journey.

4. All the interested bus operators and KSRTC were heard and timings settled and the route became operative on 27/06/2012.

5. Later KSRTC filed WPC No.27780/2013 against this variation, stating Scheme Violation and Hon'ble High Court of Kerala in a Common Judgment in WP©Nos. (27780/2013, 29149/2013, 27789/2013, 27792/2013, 27896/2013, 25404/2015, 7571/2016, 21603/2016, 23054/2016) Dated.30.11.2017 disposed the writ petitions holding that private operators with city permits are not entitled to secure any grant, variation, or extension of permits in violation of 2009 notification.

6. On the basis of this Judgment, RTA held on 06.06.2018 in item No.5 revoked the above mentioned variation.

7. Hon'ble State Transport Appellate Tribunal in M.P No. 193/2019 in M.P No.916/2018 in M.V.A.A. No **332/2018** dt. 07/03/2019 stayed the order of RTA and allowed the permit holder to continue the service on the route Sreekariyam-KochuVeli Railway Station in respect of S/C KL-01-BJ-9696 till the disposal of the appeal.

8. Later Hon'ble STAT in its Common Judgment in M.V.A.A Nos.322,329.330 & **332/2018** dt. 19.03.2019 had set aside the order of RTA revoking the variation and directed to consider the variation applications afresh on individual basis in compliance of the direction in the judgment of Hon'ble High Court of Kerala dt 30.12.2017 and pass orders on merits in accordance with law after hearing both the parties within 2 months of the date of receipt of the copy of the judgment. Hon'ble Court also mentioned that the orders so passed shall be subject to the outcome of the writ appeal pending before the Hon'ble High Court of Kerala.

Main Points in the Route enquiry report.

1.The route enquiry report specifically mentions that out of the total route length of 34.5 kms Palayam to Over Bridge 2.5 kms and Thampanoor to Over Bridge 06kms that is total 3.1kms overlaps on the Nationalised route Thiruvananthapuram-Varkala. But Permissible Overlapping is 1.7kms only.


CHAIRMAN

MEMBER1


MEMBER2

2. The proposed route includes two important railway stations (Thiruvananthapuram central and Kochuveli Railway station), Thampanoor KSRTC terminal, pilgrim centres like Attukal Temple, Padmanabha Swamy Temple, Vettucaud Church, educational institutions like All Saints College, Govt. ITI- Chackai, International Air Port terminal and tourist places like Sanghumugham and Veli tourist village.

3. The extension will be helpful to the railway passengers those who arrived at Kochuveli railway station from different places and passengers from this station. Now about 21 trains operated from this railway station and another 12 train has intermediate stop granted.

4. In this proposed variation , the entire route portions lies with in the thiruvananthapuram city limit. So there is no change in the nature of service as city service as mentioned in rule 2(ca) of kmv rules 1989.

5. The applicant is operating service on the route Sreekaryam – Kochuveli Railway Station from 27-06-2012. The passengers enjoy the benefits of this service from 27-06-2012. Ie, about 10 years.

6. There is circumstantial necessity under rule 145(6) of KMV Rules 1989.

7. The vehicle operated through this variation applied route since last 10 years, with RTA approved time schedule. Hence if variation granted, there is no need of further time settlement and no chance for conflicts with other services along this route.

Final Decision

Form the above findings, it is revealed that there is circumstantial necessity under Rule 145(6) of KMV Rules. Hence the revocation of variation will adversely affect the travelling public.

Section 104 of Motor Vehicles Act says that Regional Transport Authority or State Transport Authority shall not grant any permit except in accordance with the provisions of the Scheme. Therefore by virtue of Section 103(2) and 104 of MV Act this variation application is liable to be rejected as it violates Clause 5© of the approved Scheme.

Hon'ble High Court of Kerala in WP©27780/2013(Common Judgment) dated 30-11-2017 disposed the writ petitions holding that private operators


CHAIRMAN

MEMBER1


MEMBER2

with city permits are not entitled to secure any grant, variation or extension of permits in violation of 2009 Notification.

Public interest cannot override a valid notification. Hence this authority **rejects the route variation**. The permit holder is allowed to continue service on the pre-varied route. Renewal of permit in respect of the vehicle KL-01-BJ-9693 **is granted** without variation.

This decision is subject to the disposal of appeal pending before Hon'ble High Court of Kerala.

Item No.21

Heard Adv. K.V Gopinathan Nair, the learned counsel represented the applicant.

Perused the Judgment of Hon'ble State Transport Appellate Tribunal in M.V.A.A Nos 322,329,330 & **332**/2018 dt.19.03.2019.

Considered the applications for both Renewal and Route Variation in respect of Stage Carriage KL-01-AR-8877.

Objection of KSRTC

The Government issued a Notification G.O(P) No.8/2017/Tran Dated 23/03/2017 by modifying the existing Notification (G.O(P)42/2009/Trans Dated.14/07/2009)

As per Clause 5© of the notification, permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

The route Nettayam-Pongumoodu was varied towards PMG-Palayam-Statue-Over Bridge -East Fort. The total route length is 20.5 kms and the permissible overlapping is 1.25Kms. the route portion from Over bridge to Palayam 2.5 kms overlaps the nationalized route Thiruvananthapuram-Varkala and the variation was granted on 08-11-2012, i.e after the publication of nationalized scheme and hence the applicant is not entitled to get renewal in the said portion of the route.

As per Clause 19 of the Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand"

CHAIRMAN

MEMBER1

MEMBER2

They contended that granting of variation will be violation of Judgments. They quoted 5 Judgments.

Findings of this authority

1. Route at the beginning was **Nettayam - Pongumoodu** via. Vattiyoorkavu, Kanjiramppara, Maruthankuzhy, Sasthamangalam, Vellayambalam, PMG, Pattom, Cosmo Jn, Kumarapuram, Medical College and Ulloor.

2. The route Nettayam-Pongumoodu was varied towards PMG-Palayam-Statue-Over Bridge -East Fort and the route became **Nettayam - Pongumoodu** via. Vattiyoorkavu, Kanjiramppara, Maruthankuzhy, Sasthamangalam, Vellayambalam, Palayam, Statue, Overbridge, East Fort, Overbridge, Palayam, PMG, Pattom, Cosmo Jn, Kumarapuram, Medical College & Ulloor. The above mentioned variation was granted by the RTA on 08.11.2012.

3. KSRTC had filed WPC No.27780/2013 against this variation, stating Scheme Violation and Hon'ble High Court of Kerala in a Common Judgment WP Nos.(27780/2013, 29149/2013, 27789/2013, 27792/2013, 27896/2013, **25404/2015**, 7571/2016, 21603/2016, 23054/2016) Dated.30.11.2017 disposed the writ petitions holding that private operators with city permits are not entitled to secure any grant, variation, or extension of permits in violation of 2009 notification.

4. On the basis of this Judgment, RTA held on 06.06.2018 in item No.1 revoked the above mentioned variation.

4. Hon'ble State Transport Appellate Tribunal in M.P No. 904/2018 in M.V.A.A. No **329/2018** dt. 13/12/2018 stayed the order of RTA revoking variation and allowed the permit holder to continue the service on the route Nettayam-Pongumoodu in respect of S/C KL-01-AR-8877 till the disposal of the appeal.

5. Later Hon'ble STAT in its Common Judgment in M.V.A.A Nos.322, **329**.330 & 332/2018 dt. 19.03.2019 had set aside the order of RTA revoking the variation and directed to consider the variation applications afresh on individual basis in compliance of the direction in the judgment of Hon'ble High Court of Kerala dt 30.12.2017 and pass orders on merits in accordance with law after hearing both the parties within 2 months of the date of receipt of the copy of the judgment. Hon'ble Court also mentioned that the orders so passed shall be subject to the outcome of the writ appeal pending before the Hon'ble High Court of Kerala.

CHAIRMAN



MEMBER1

MEMBER2



Main Points in the route enquiry report.

TOTAL ROUTE LENGTH OF KL 01 AR 8877 ALONG THE ROUTE NETTAYAM-PONGUMOODU VIA - VATTIYOORKAVU - KANJIRAMPARA - MARUTHAMKUZHI - SASTHAMANGALAM - VELLAYAMBALAM - PALAYAM - STATUE - OVER BRIDGE - EAST FORT - OVER BRIDGE - PALAYAM - PMG - PATTOM - COSMO JUNCTION - KUMARAPURAM - MEDICAL COLLEGE - AND ULLOOR IS 20.6 KM.

IN THIS VARIED ROUTE, PALAYAM TO OVER BRIDGE 2.5 KMS OVERLAPS ON THE NOTIFIED SCHEME GO (P) NO. 42/2009/TRAN DATED 14-07-2009 (THIRUVANANTHAPURAM-VARKALA). HERE ALLOWABLE OVERLAPPING IS 1.025KM ONLY.

Final Decision

Section 104 of Motor Vehicles Act says that Regional Transport Authority or State Transport Authority shall not grant any permit except in accordance with the provisions of the Scheme. Therefore by virtue of Section 103(2) and 104 of MV Act this variation application is liable to be rejected as it violates Clause 5© of the approved Scheme.

Hon'ble High Court of Kerala in WP©**25404/2015** (Common Judgment) dated 30-11-2017 disposed the writ petitions holding that private operators with city permits are not entitled to secure any grant, variation or extension of permits in violation of 2009 Notification.

Public interest cannot override a valid notification. Hence this authority **rejects the route variation**. The permit holder is allowed to continue service on the pre-varied route. Renewal of permit in respect of the Stage Carriage KL-01-AR-8877 **is granted** without variation.

This decision is subject to the disposal of appeal pending before Hon'ble High Court of Kerala.

Item No.22

Heard Adv. K.V Gopinathan Nair, learned counsel represented the applicant.

Perused the Judgment of Hon'ble State Transport Appellate Tribunal in M.V.A.A Nos **322,329,330 & 332/2018** dt.19.03.2019.

Considered the applications for both Route Variation and Renewal of permit in respect of Stage Carriage KL-01-BN-3305.

Objection of KSRTC

CHAIRMAN

MEMBER1

MEMBER2

The Government issued a Notification G.O(P) No.8/2017/Tran Dated 23/03/2017 by modifying the existing Notification (G.O(P)42/2009/Trans Dated.14/07/2009)

As per Clause 5© of the notification, permissible over-lapping on the notified route is 5kms or 5% of the total route length whichever is less.

As per Clause 19 of the Notification, "the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand"

The route Pongumoodu-Nettayam was varied towards PMG-Palayam-Statue-Over Bridge -East Fort. The total route length is 20.5 kms and the permissible over-lapping is 1.25Kms. the route portion from Over bridge to Palayam 2.5 kms overlaps the nationalized route Thiruvananthapuram-Varkala and the variation was granted on 08-11-2012, i.e after the publication of nationalized scheme and hence the applicant is not entitled to get renewal in the said portion of the route.

They contended that granting of variation will be violation of Judgments. They quoted 5 Judgments.

Findings of this authority

1.While granting this permit, the route was **Pogumoodu-Nettayam** via Ulloor, Medical College, Kumarapuram,Cosmo Jn, Pattom, PMG, Vellayambalam, Sasthamangalam, Maruthankuzhy, Kanjirampara,Vattiyoorkavu.

2.The route Pongumoodu-Nettayam was varied towards PMG-Palayam-Statue-Over Bridge -East Fort and the route became **Pongumoodu-Nettayam** (via) Ulloor, Medical College, Kumarapuram, Cosmo Jn, Pattom, PMG, Palayam, Statue, Overbridge, East Fort, Overbridge, Palayam, Vellayambalam,Sasthamangalam,Maruthankuzhy, Kanjirampara, Vattiyoorkavu. This variation was granted by RTA on 08.11.2012 vide item No.22

3. Against this variation KSRTC had filed WPC No.29149/2013 before the Hon'ble High Court of Kerala and Hon'ble High Court of Kerala in a Common Judgment in WP©Nos.(27780/2013,29149/2013 27789/2013, 27792/2013, 27896/2013, 25404/2015, 7571/2016, 21603/2016, 23054/2016) Dated.30.11.2017 disposed the writ petitions holding that

CHAIRMAN

MEMBER1

MEMBER2

private operators with city permits are not entitled to secure any grant, variation, or extension of permits in violation of 2009 notification.

4. On the basis of this Judgment, RTA held on 06.06.2018 in item No.6 revoked the above mentioned variation.

5. The permit holder filed appeal before Hon'ble STAT and Hon'ble State Transport Appellate Tribunal in M.P No.892 in M.V.A.A. No 322/2018 dt. 07/12/2018 stayed the order of RTA revoking variation and allowed the permit holder to continue the service on the route **Pongumoodu-Nettayam** in respect of S/C **KL-01-BN-3305** till the disposal of the appeal.

6. Later Hon'ble STAT in its Common Judgment in M.V.A.A Nos. **322, 329, 330 & 332/2018** dt. 19.03.2019 had set aside the order of RTA revoking the variation and directed to consider the variation applications afresh on individual basis in compliance of the direction in the judgment of Hon'ble High Court of Kerala dt 30.11.2017 and pass orders on merits in accordance with law after hearing both the parties within 2 months of the date of receipt of the copy of the judgment. Hon'ble Court also mentioned that the orders so passed shall be subject to the outcome of the writ appeal pending before the Hon'ble High Court of Kerala.

Report regarding overlapping on the notified portion.

Total route length of KL-01-BN-3305 on the route Pongumoodu-Nettayam via. Ulloor, Medical college, Kumarapruam, CosmoJn, Pattom, PMG, Palayam, Statue, Overbridge, East Fort, Overbridge, Palayam, Vellayambalam, Sasthamangalam, Maruthankukzhy, Kanjirampara, Vattiyoorkavu is 20.6 KM

In the proposed variation, Palayam to Over Bridge 2.5 Km overlaps on the Notified Route Thiruvananthapuram-Varkala (Go (P) No. 42/2009/Tran Dated 14-07-2009) . Allowable overlapping is 1.25kms only.

Final Decision

Section 104 of Motor Vehicles Act says that Regional Transport Authority or State Transport Authority shall not grant any permit except in accordance with the provisions of the Scheme. Therefore by virtue of Section 103(2) and 104 of MV Act this variation application is liable to be rejected as it violates Clause 5© of the approved Scheme.

Hon'ble High Court of Kerala in WP© **29149/2013** (Common Judgment) dated 30-11-2017 disposed the writ petitions holding that

CHAIRMAN



MEMBER1

MEMBER2



private operators with city permits are not entitled to secure any grant, variation or extension of permits in violation of 2009 Notification.

Public interest cannot override a valid notification. Hence this authority **rejects the route variation**. The permit holder is allowed to continue service on the pre-varied route. Renewal of permit in respect of the Stage Carriage **KL-01-BN-3305 is granted** without variation.

This decision is subject to the disposal of appeal pending before Hon'ble High Court of Kerala.

Item No.23

Heard Adv. K.V Gopinathan Nair, the learned counsel for the applicant.

Perused the Order of Hon'ble State Transport Appellate Tribunal in M.V.A.A. No **252/2015** dt. 14.02.2020.

Reconsidered the application for variation in respect of Stage Carriage **KL-22-A-5107** by obeying the order of Hon'ble State Transport Appellate Tribunal.

Objection of KSRTC

In the proposed variation the route portion from Pongumoodu to Sreekariyam 1.3kms overlaps the nationalized route Thiruvananthapuram-Varkala. This is against G.O(P) No.42/2009/Trans dated 14-07-2009(Modified G.O(P) 8/2017/Tran dated.23-03-2017.

As per Clause 5© of the notification private stage carriages are allowed to overlap only 5 kms or 5% of the total route length, whichever is less on the notified route.

More over the route portion from Pallimukku to Peyad 500 meters is beyond the city limit and is against the G.O(P) No 105/94/PW&T Dated 24.11.1994. Hence the applicant is not entitled to get variation on that portion.

Findings of this authority

The route at present is **Pallimukku- Pongumoodu** via Kundamanbhagam, Thirumala, Poojappura, Karamana, East Fort, Overbridge, Palayam, PMG, Pattom, Kesavadadapuram and Ulloor, and this

CHAIRMAN

MEMBER1

MEMBER2

route has been assigned to the permit holder in obedience to the Judgment of Hon'ble High Court in WPC No- 39020/2015 dated 08.01.2016.

2.The permit Holder's request is that the proposed variation part that is Pongumoodu to Sreekariyam 1.3 kms and Pallimukku to Peyad 500 meters was once the route portion of this vehicle and that variation was granted to him before the publication of G.O(P) No.42/2009. That is as per the decision of RTA dt. 11.06.2009 vide item No.22.

3. By complying the order of Hon'ble STAT in M.V.A.R.P No.24/2010, RTA held on 11.08.2015 vide item no- 74 has observed that this variation was granted when the draft rule for GO (P) 42/2009 was in force. RTA has also read from the above said common order that public demand cannot be permitted to override a valid notification issued by the Government restricting issuance of permit on any notified route hence revoked the variation.

4. Hon'ble STAT in MVAA No 252/2015 dt. 14-02-2020 may be seen the Judgment directs to reconsider the application for variation afresh in the light of the observations made in the Judgment Hon'ble High Court in WPC No- 39020/2015 dated 08.01.2016 and pass orders in accordance with law after hearing both sides including KSRTC


Route enquiry report

1. Peyad is just 500 meters away from Pallimukku. The private operators are entitled to operate only upto 1.5 km away from the city limit. The city limit ends at Kumdamanbhagom Bridge. The allowable extension is up to Pallimukku.
2. Pallimukku is not an important traffic point and many passengers need to travel to Peyad since Peyad is an important destination to get public transportation facilities towards Neyyattinkara via Malayinkil, Kattakada and Vellanaad via Vilappilsala. The extension from Pallimukku to Peyad is beneficial to public. Hence the extension requested from Pallimukku to Peyad is on the basis of rule 154(6) of KMV Rules 1989.
3. The extension from Pongumoodu to sreekaryam 1.3kms lies on the notified route Thiruvananthapuram- varkala vide G.O(P) no. 42/2009 dated 14-07-2009.

Final Decision


CHAIRMAN

MEMBER1


MEMBER2

From the above findings, it is revealed that the contention of KSRTC is found as sustainable.

The route portion from Pongumoodu to Sreekariyam 1.3kms overlaps the nationalized route Thiruvananthapuram-Varkala. This is against G.O(P) No.42/2009/Trans dated 14-07-2009(Modified G.O(P) 8/2017/Tran dated.23-03-2017).

The route portion from Pallimukku to Peyad 500 meters is beyond the city limit and is against the G.O(P) No 105/94/PW&T Dated 24.11.1994.

The applicant is not entitled to get variation on the above mentioned portions hence **rejected**.

Item No.24

Heard Adv. K. Raghu Varma represented the applicant 1st and Adv. O.D Sivadas represented the applicant 2nd.

These are the 2 applications for **Fresh permit** in respect of Stage Carriage **KL-08-AD-1011** submitted by Sri. Arun.V.S and the Second applicant The Secretary, Kerala State Tourism Development Centre to operate on the route MADHAVAPURAM – THRIKKANNAPURAM via. Shangumugham, Valiathura, Vallakadavu, East Fort, OB, palayam, Bakery JN, Jagathy and Thirumala in the lapsed vacancy of permit No.C13/80/T1995.

This Authority perused the agenda notes submitted by the Secretary RTA, permit file and the report of the enquiry officer.

Objection of KSRTC

The Government issued a Notification G.O(P) No.8/2017/Tran Dated 23/03/2017 by modifying the existing Notification (G.O(P)42/2009/Trans Dated.14/07/2009)

As per Section 103(2) of the Motor Vehicles Act "For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the State Transport Authority or The Regional Transport Authority may by order refuse to entertain any application for grant of a permit or cancel any existing permit.


CHAIRMAN

MEMBER1


MEMBER2

As per Clause 5© of the notification, permissible overlapping on the notified route is 5kms or 5% of the total route length whichever is less.

Out of the total route length of 24kms, the permissible overlapping is 1.2kms but here Over Bridge to Palayam 2.5 kms overlaps on the notified portion Trivandrum- Varkala.

As per Clause 19 of the Notification, the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand”

Section 104 of Motor Vehicles Act says that Regional Transport Authority or State Transport Authority shall not grant any permit except in accordance with the provisions of the Scheme. Therefore by virtue of Section 103(2) and 104 of MV Act this application is liable to be rejected as it violates Clause 5© of the approved Scheme.

They contended that granting of fresh permit will be violation of Judgments. They quoted 6 Judgments.

Findings of this Authority & Decision.

1.Subsequent to the lapsing of regular permit in respect of Stage Carriage KL-16-8339, The route MADHAVAPURAM – THRIKKANNAPURAM via. Shangumugham, Valiathura, Vallakadavu, East Fort, OB, palayam, Bakery JN, Jagathy and Thirumalais now being occupied and operated by KSRTC. The RTA held on 04-08-2017 in item No.02 granted regular permit to KSRTC for its stage Carriage KL-15-8691 and has been conducting service on this route by way of regular permit (No.3403/2017). Hence the route is not vacant at present.

2.The Notification G.O(P) No.42/2009/Tran. dated 14.07.2009 (Modified notification G.O(P) No.8/2017 dated.23.03.2017) is applicable for this route. As per Clause 5 (c) of the said notification, the permissible overlapping is either 5 km or 5% of the length of the route, whichever is less on the notified routes. The total route length of Madhavapuram-Thrikkannapuram is 24 kms and hence the permissible overlapping as per clause 5 (c) of the above approved scheme is 1.2 kms only. Since the proposed route is objectionably overlaps 2.5 kms from Over bridge to Palayam in Sl. No.1 Trivandrum- Varkala vide the scheme notified in G.O (P) No-42/2009/Tran. dated 14.07.2009, the issuance of permit to private

CHAIRMAN

MEMBER1

MEMBER2

sector will be violation of the said scheme. Also as per clause 19 of the said notification, the right to operate any new service and to increase the trips in the 31 routes in the Annexure or its portions will be reserved exclusively for State Transport Undertaking.

3. Section 71 (3) (c) of M.V Act states that where the number of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of permits for the Scheduled Castes and Scheduled Tribes as may be fixed by the State Government under sub clause (b). As such while granting permits in 1994, permits were reserved for SC/ST Quota and this permit is one among SC/ST quota.

4. Section 104 of M.V Act restricts authorities from granting any permits in respect of notified area or route, wherein scheme has been published under sub section (3) of Section 100 and grant of permits can be in accordance with the provisions of the scheme. The issuance of permit to a private operator violates Clause 5 (c) and Clause 19 of the said notification, the Section 104 of M.V Act will also be violated . Hence **rejected**.

Item No.25

Heard Adv K. Reghu Varma and Adv K.V Gopinathan Nair for the applicants.

Findings of this Authority

This is an application for the issue of 4 months TP to Stage Carriage KL-08-AD-1011 to operate on the route Poonthura-Pappanamcode (via) Ambalathara, Manacaud, EastFort, Over Bridge, Thampanoor, Kllipalam, Karamana and Kaimanam in the lapsed vacancy of route bus KL-02-J-7614.

The Regular Permit issued on 27/12/1996 was valid up to 26/12/2001. The permit holder failed to apply for renewal of permit in time and hence the regular permit lapsed. Later the renewal application filed by the permit holder with retrospective effect is pending before RTA. The direction of the RTA is not complied by the permit holder.

Later KSRTC had filed application for temporary permit on this route along with other operators. Since preferential claim was to State Transport Undertaking, 4 months TP granted to KSRTC. Now KSRTC has been


CHAIRMAN

MEMBER1


MEMBER2

conducting service by way of 4 months TP to S/C KL-15-9166. Hence the route is not vacant at present.

Objection filed by KSRTC

G.O(P) No.42/2009/Trans dated 14.07.2009(Modified G.O(P) 8/2017/Tran dt. 23/03/2017) does not give any special advantage to private operators, but it is always subject to clause 5©. As per clause 5© of the notification, the permissible over-laping on the notified portion is either 5 km or 5% of the total route length, whichever is less. Here the total route length is 11.5km and hence the permissible overlapping on the notified portion is 550 meters only. Here the route portion from Thampanoor-Overbridge overlaps on the notified scheme- TVPM -Varkala. As per clause 19 of the said notification, the right to operate any new service and to increase the trips in the 31 routes in the Annexure or its portions will be reserved exclusively for State Transport Undertaking (KSRTC)

Final decision

Now Sri.ArunV.S has applied for 4 months TP to conduct service on this route. But his application is not in the prescribed form and the required fee is not remitted. More -over he has already submitted another application for the issue of fresh permit to the same vehicle (KL-08-AD-1011) in item No.24.

Another applicant Sri. P.D Santhoshkumar also submitted an application for 4 months TP to the Stage Carriage KL-01-AT-2277 to operate on this route. This application was submitted on the day of RTA meeting. Required fee not seen as remitted. Both these applications are improper. In case of renewal application, the direction of the previous RTA board is not seen as complied by the permit holder.

Since preferential claim was to State Transport Undertaking, 4 months TP was granted to KSRTC. Now KSRTC has been conducting service by way of 4 months TP to S/C KL-15-9166. Hence the route is not vacant at present. For the above reasons both these applications **are rejected**.

Item No.26

Heard Adv.K.V Gopinathan Nair represented the applicant.

Perused the Order of Hon'ble of High Court of Kerala in WP(C) 28843/2022 dated.02.09.2022 & the Judgment dated.26-10-2022

CHAIRMAN 

MEMBER1


MEMBER2

Considered the application for Replacement of Stage Carriage KL-01-AT-5959 operating on the route Thamalam- Beemapally by the strength of regular permit no.1/67/1995 valid up to 29.06.2025 by an **older model stage carriage** KL-35-A-0345.

Rule 174(2)© of Kerala Motor Vehicles Rules 1989 enables the road transport authority to reject an application for replacement if the proposed vehicle is older than the one covered under the existing permit.

Recently Hon'ble Supreme Court of India in the Judgment dated. 17-02-2022 in Civil Appeal Nos. 1453-1454 of 2022 arising out of SLP (Civil) Nos. 13834-13835 of 2018, set aside the Judgment of Division Bench of Hon'ble High Court of Kerala and upheld the correct position of law in Rule 174(2) (C) which provides that "upon receipt of the application, the Transport Authority may in his discretion reject an application, if the new vehicle proposed is older than the one sought to be replaced."

Here the Date of Registration of the vehicle binding permit (KL-01-AT-5959) is 28-08-2008 and for the proposed incoming vehicle (KL-35-A-0345) it is 18-04-2008. The age of Stage Carriage proposed for replacement is near to 15 years

Safety of the Road Users and the passengers of the vehicle deserve prime consideration. Hence replacement by an older model vehicle **is rejected**.

Item No.27

Request of Station House Officer(SHO),Thampanoor Police Station seeking permission to affix '**Station Sticker**' on the body of the Autho Rikshas so as to avoid the persons involved in criminal cases and thereby to ensure the protection of women community **is allowed**.


CHAIRMAN

MEMBER1

GEROMIC GEORGE IAS
DISTRICT COLLECTOR
THIRUVANANTHAPURAM


MEMBER2
JOSHY K
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