

**MINUTES OF THE REGIONAL TRANSPORT AUTHORITY –
MUVATTUPUZHA
HELD AT COLLECTORATE CONFERENCE HALL, ERNAKULAM ON
17.06.2023 at 10.30 a.m.**

Present:

1. Sri. N S K Umesh IAS, District Collector (Ernakulam); Chairman RTA.
2. Sri. G. Ananthakrishnan, Deputy Transport Commissioner (CZ-2); Member, RTA

Item No. 1

Heard.

1. This is to re-consider the application for fresh stage carriage permit to operate on the route Inchathotty – Neriyaamangalam via. Oonnukal, Nellimattom, Kothamangalam, Oodakkali, Perumbavoor as ordinary service.
2. This authority previously considered this application on 23.01.2023 in Item No. 9 and adjourned the decision on this application with a remark to modify the proposal with at least two more trips to Inchithotty – Neriyaamangalam within the proposed time schedule by reducing trips between Kothamangalam and Perumbavoor.
3. In response to the decision on this application, applicant has submitted the following:
 - a) No time clash as per the proposed time schedule
 - b) No objection for any of other en-route operators on proposed timingand there is further request to re-consider this application for fresh stage carriage permit as it was.

We have considered the request of the applicant, verified the route enquiry report and other connected files and records. Objections, for and against the application were also considered as per law.

4. As per the route enquiry report, the proposed route is inter-district with a total route length of 43.9 Kms in which 42.9 Kms lies in the jurisdiction of this authority and a distance 1 Km that of RTA Idukki.

There is no virgin portion and an overlapping of 0.5 Kms with notified route at Perumbavoor. There is an average frequency of 5 Minutes in Kothamangalam – Neriyaamangalam sector and 1 to 2 Minutes in Kothamangalam - Perumbavoor sector. Inchathotty – Neriyaamangalam sector is totally ill-served. Route Enquiry

Officer further suggested that more travelling facilities are required to this sector for the benefit of travelling public.

5. In this case, the focus of operation is Kothamangalam – Perumbavoor and the frequency of stage carriage service in Inchathotty is nominal; the applicant proposes only one single starting and halting trips to this ill-served area. The approach of this authority is to facilitate more travelling facilities for interior, rural travelling public. We are of the common view that a modification on this proposal with more number of trips to less-served areas are highly necessary. Also, we are of the common view that these proposals have to be framed in such a way that the stage carriages should act like a bridge between rural townships and urban Municipal areas rather operating services between two urban spots with negligible frequency.

6. Thus, as per the provisions contained in Section 72 (1) of Motor Vehicles Act; we have given an opportunity to the applicant for re-working and modifying the proposal in such a way that at least two more single trips has to be added to the sector Inchathotty - Neriyaamangalam within the proposed time schedule submitted along with the application by reducing the number of trips between Kothamangalam and Perumbavoor.

7. It is a fact that the average frequency of stage carriage service in sectors like Kothamangalam – Perumbavoor is less than 2 minutes. Operating more number of trips in this sector will facilitate un-healthy competition followed by accidents. The request of the applicant to re-consider the proposal on the bases of non-viability seems without any scientific or logical bases. His major submission is that there is no time clash in the proposed time schedule suggested by him.

In the open hearing of this authority there were severe objections from other en-route operators including KSRTC against proposed timings. Thus, this authority could not find any single reason to accept the argument of the applicant that the proposed suggestion of this authority is non-viable.

8. Thus, we have re-considered the application for fresh stage carriage permit on the route Inchathotty – Neriyaamangalam submitted by the applicant in the light of submissions made by the applicant on our previous decision held on 23.01.2023 as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant.

Hence, the application for fresh stage carriage permit submitted by the applicant has been reconsidered and **rejected**.

Item No. 2

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Muvattupuzha – Oonnukal via. Puthuppady, Varappetty, Adivad, Kovallur, Koottanvely, Pareekanny as ordinary service.

2. We have elaborately considered the application in the light of route enquiry report; connected files and arguments held during the open hearing of this authority.

3. As per the report of enquiry officer, this is an intra-district permit with route length of 25 Kms. There is an overlapping of 2 Kms with nationalized route at Muvattupuzha; which is within the permissible limits. Average frequency of stage carriage operation in Oonnukal - Puthuppady route is reported as 45 Minutes and that of Puthuppady – Muvattupuzha is 2 to 3 minutes.

4. We have also verified the proposed time schedule of the applicant. Total route length of the proposed permit is 25 Kms which will be covered in one hour. However passing time in intermediate points are not shown in the time schedule.

Hence the applicant is directed to revise the time schedule with passing time in intermediate points; get it endorsed by the enquiry officer and submit before this authority for re-consideration.

Thus, decision on this application for fresh stage carriage permit is **adjourned**.

Item No. 3

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 33 in all to operate on the route Vadattupara – Kothamangalam – Perumbavoor via. Areeka city, Thundam, Bhoothathankettu, Keerampara, Chelad, Kothamangalam, Odakkaly, Kuruppumpady as ordinary service

2. We have considered the application in the light of observations made by the route enquiry officer as per law, also considered the arguments of other en-route

operators for and against the application during the open hearing of this authority as per law.

3. As per route enquiry report, total route length is 41 Kms and in which there is an overlapping of 0.5 Kms with notified route at Perumbavoor. As per the report, this overlapping is not objectionable as per the notified scheme. Average frequency of stage carriage operation in Kothamangalam – Perumbavoor sector is reported as 2 minutes and that of Vadattupara – Kothamangalam is 30 Minutes

4. In this case, the focus of operation is Kothamangalam – Perumbavoor and the frequency of stage carriage service in Vadattupara is nominal; the applicant proposes only two single trips to this ill-served area. The approach of this authority is to facilitate more travelling facilities for interior, rural travelling public. This proposal is for providing more trips to route in which the frequency of service is less than two minutes. Also, we are of the common view that these proposals have to be framed in such a way that the stage carriages should act like a bridge between rural townships and urban Municipal areas rather operating services between two urban spots with negligible frequency. It is a fact that the average frequency of stage carriage service in sectors like Kothamangalam – Perumbavoor is less than 2 minutes. Operating more number of trips in this sector will facilitate un-healthy competition followed by accidents. Thus, we could not blindly accept a proposal with increased number of trips between Kothamangalam and Perumbavoor.

5. Thus, we have considered the application for fresh stage carriage permit on the route Vadattupara – Kothamangalam - Perumbavoor submitted by the applicant in the light of submissions made by the applicant as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant to consider and approve the proposed fresh stage carriage permit.

Hence, the application for fresh stage carriage permit submitted by the applicant has been considered and **rejected**.

Item No. 4

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 28 in all to operate on the route Kolancherry – Koothattukulam via. Choondy, Meembara,

Poothrukka, Raamamangalam Kadavu, Neithusalappady, Pampakkuda, Piramadam, Mannathur, Vaaliyappadam, Vadakara as ordinary service in the surrendered vacancy of SC KL 17 S 0323.

2. An enquiry has been conducted through the Motor Vehicles Inspector, Muvattupuzha and as per the report, total route length is 32.1 Kms. There is an overlapping of 4.3 Kms with Muvattupuzha – Ernakulam notified scheme and 0.3 Kms at Koothattukulam with Kottayama – Kozhikkode notified scheme.

3. Arguments for and against the application during the open hearing of this authority were considered as per law. Arguments of previous permit holder with respect to the stage carriage KL 17 S 0323 and also that of KSRTC were heard in detail. Objections raised by the previous permit holder were considered and overruled. However, objections by KSRTC, that the proposed route objectionably overlaps with clause 4 and 5 c of the notified scheme G O (P) No. 5/2017/Tran. Dated 21.02.2017 is acceptable. Since the scheme is complete exclusion in nature, considering the arguments of the representative of KSRTC and provisions stipulated in G O (P) No. 5/2017/Tran. Dated 21.02.2017 application for fresh stage carriage permit is **rejected**.

Item No. 5

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Paingootoor – Kothamangalam via. Pothanikkad, Mavudy, Pallarimangalam Panchayath, Koovallur, Adivad, Kodamunda, Kuthukuzhi, Pedavoor, Kozhipilly as ordinary service.

2. As per the report of route enquiry officer, total route length is 33 Kms and there is no overlapping with notified route reported. Frequency of stage carriage operation in Pothanikkad – Kothamangalam (via. Pallarimangalam, Kovalloor) is 45 Minutes time gap. As per the report of route enquiry officer, Kothamangalam – Paingootor (Kozhipilly, Adivad, Pedavoor and Pothanikkad) sector is well served with adequate number of stage carriages; however Mavudy, Pallarimangalam, Kovalloor and Kodamunda are rural places where public transportation facility is less. Hence Public transportation facility in these areas are beneficial to the travelling public and students.

3. 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 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. 6

Heard.

1. This is to consider the application for fresh regular stage carriage permit with

respect of a suitable stage carriage with seating capacity not less than 28 in all to operate on the route Kolancherry – Koothattukulam via. Kakkattupara, Poothrikka, Ramamangalam, Neithusalappady, Pampakkuda, Anchalpetty, Kakkoor, Thirumarady as ordinary service.

2. An enquiry has been conducted and as per the report total route length is 28.4 Kms and there is an overlapping of 0.3 Kms overlapping at Koothattukulam with notified route and 0.1 Kms with Ernakulam _ Muvattupuzha notified scheme.

3. Arguments for and against the application during the open hearing of this authority were considered as per law. Apart from timing objections, major objection was that the proposed route objectionably overlaps with clause 4 and 5 (c) of the notified scheme G O (P) No. 5/2017/Tran. Dated 21.02.2017 and which is acceptable. Since the scheme is complete exclusion in nature, we consider the overlapping of 0.1 Kms is also objectionable. Hence, considering the arguments in the open hearing of this authority as per the provisions contained in G O (P) No. 5/2017/Tran. Dated 21.02.2017 application for fresh stage carriage permit is **rejected.**

Item No. 7

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Parayithottam – Kothamangalam – Perumbavoor via. Valiyapara, Vayanasalappady, Ayyankavu, Kothamangalam, Odakkaly and Kuruppumpady as ordinary service.

2. An enquiry has been conducted through Joint RTO Kothamangalam and as per the report, total overlapping, distance is 26 Kms and a distance of 0.5 Kms at Perumbavoor overlaps with notified routes; frequency of stage carriage operation in Perumbavoor - Kothamangalam is reported 2 Minutes time gap. However that of Parayithottam - Kothamangalam is one hour. As per the report of route enquiry officer, Kothamangalam - Perumbavoor sector is well served with less than two minutes time gap; however Parayithottam, Vayanasalappady, Valiyapara are rural places where public transportation facility is less.

3. In this case, the focus of operation is Kothamangalam - Perumbavoor. The approach of this authority is to facilitate more travelling facilities for interior, rural travelling public. This proposal is for providing more trips to route in which the frequency of service is less than two minutes. Operating more number of trips in this sector will facilitate un-healthy competition followed by accidents. Thus, we could not blindly accept a proposal with increased number of trips between Kothamangalam and Perumbavoor.

5. Thus, we have considered the application for fresh stage carriage permit on the route Kothamangalam - Perumbavoor - Parathottam submitted by the applicant in the light of submissions made by the applicant as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant to consider and approve the proposed fresh stage carriage permit.

Hence, the application for fresh stage carriage permit submitted by the applicant has been considered and **rejected**.

Item No. 8

Heard.

1. This to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Uppukulam - Kothamangalam - Perumbavoor via. Namboorimukku, Oonnukal, Nellimattom, Vayanasalappadi, Oodakkaly and Kuruppumpady as ordinary service

SC KL 17 B 7059 offered by the applicant.

2. An enquiry has been conducted through Joint RTO Kothamangalam and the report, total route length is reported as 35 Kms in which there is an overlapping of

0.5 Kms lies in notified sector at Perumbavoor, as per the report, there is a time gap of more than one hour with Uppukulam – Onnukal and 2 to 6 minutes with Onnukal – Kothamangalam; Perumbavoor – Kothamangalam frequency is reported as less than 2 minutes.

3. In this case, the focus of operation is Kothamangalam – Perumbavoor. The approach of this authority is to facilitate more travelling facilities for interior, rural travelling public. This proposal is for providing more trips to route in which the frequency of service is less than two minutes. Operating more number of trips in this sector will facilitate un-healthy competition followed by accidents. Thus, we could not blindly accept a proposal with increased number of trips between Kothamangalam and Perumbavoor.

4. Thus, we have considered the application for fresh stage carriage permit on the route Kothamangalam – Perumbavoor - Uppukulam submitted by the applicant in the light of submissions made by the applicant as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant to consider and approve the proposed fresh stage carriage permit.

Hence, the application for fresh stage carriage permit submitted by the applicant has been considered and **rejected**.

Item No. 9

Heard.

1. This is to peruse the directions contained in the judgment of Hon. High Court of Kerala in WP (C) No. 2541 of 2023 Dtd. 31.01.2023 produced by the applicant on 16.02.2023 in the light of directions contained in WA No. 1004 of 2023 Dtd. 09.06.2023 and also

to re-consider the application for fresh stage carriage permit to operate on the route Maneed – Muvattupuzha – Kothamangalam via. Ezhakkaranad, Ramamangalam, Kayanad, Mannathur, Vadakara, Koothattukulam, Muvattupuzha and Puthuppadi as ordinary service.

2. This authority considered the application in RTA held on 26.09.2022 in Item No. 7 and adjourned with a direction to modify the application in such a way that two more trips to be included in Maneed sector for the benefit of travelling public and students.

3. Against the decision of this authority, applicant has placed a request on 20.12.2022 stating that the major portion of the proposed route is Ramamangalam – Muvattupuzha – Kothamangalam and there is a vacant timing on this sector. Any change of trip or timing on the above sector will become highly objectionable and the service will not be able to conduct on the above said route.

Further, the applicant produced a judgment from Hon. High Court of Kerala in WP(C) No. 2541 of 2023 in which by interpreting the provisions explained in “Section 80 of Motor Vehicles Act, Hon. High Court of Kerala observed that an application for a permit of any kind can be made at any time, and the authority shall not ordinarily refuse to grant an application for a permit of any kind made at any time under this Act.” Hon. High Court of Kerala proclaimed the decision of RTA as legally not sustainable and directed to re-consider the application for fresh SC permit in the light of the letter submitted by the petitioner on 20.12.2022. Hon. High Court has also referred the directions contained in the judgment in WP(C) No. 34228 of 2016.

4. Against the judgment of Hon. High Court, as per the direction of this authority (circulation) writ appeal was filed before Hon. Division Bench of High Court of Kerala in WA No. 1004 of 2023. In its Judgment in WA No. 1004 of 2023 Dtd. 09.06.2023, Hon. Division Bench of High Court of Kerala dismissed the writ appeal and upheld the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No. 2541 of 2023 and directed this authority to consider the application as made in accordance with law within one month from 09.06.2023.

5. We have perused the directions contained in aforesaid judgments of Division Bench and also Single bench of Hon. High Court of Kerala. In obedience to the directions contained, we reconsidered the application for fresh stage carriage permit as per relevant sections of Motor Vehicles Act and Rules framed thereunder.

As per the report of route enquiry officer, this is an intra-district permit with a total route length of 66.2 Kms. There is an overall overlapping of 2.8 Kms with notified route, which is not objectionable.

6. Route Enquiry Officer has also pointed out that the applicant suggested only single trips to ill-served areas like Maneed and Koothaattukulam. He has also expressed his concern that the applicant increased the route length for avoiding the effect of notification.

7. We have verified the observations made by the route enquiry officer in the light of objections raised in the open hearing of this authority. We are of the common opinion that more number of trips are required in Maneed sector in public interest. Hence, the applicant was directed to to modify the application, in such a way that two more trips to Maneed sector in the proposed time schedule, for the benefit of travelling public and students of an ill-served area.

8. As per the submission of the applicant, change in his proposed timings will lead this application for fresh stage carriage permit to a non-viable one. He further submitted that there will not be any objections against his set of timings. However, in the open hearing of this authority, there were severe objections against the proposed timings of the applicant. KSRTC also vehemently objected the timings. Thus, invariably his project becomes non-viable.

9. Thus, we have considered the application for fresh stage carriage permit on the route Maneed – Muvattupuzha - Kothamangalam submitted by the applicant in the light of the directions contained in the Verdict in WP (C) No. 2541 of 2023 Dtd. 31.01.2023 of Hon. High Court of Kerala produced by the applicant on 16.02.2023 in the light of directions contained in WA No. 1004 of 2023 Dtd. 09.06.2023 of Hon. Division Bench of Hon. High Court of Kerala. We have also considered the submissions made by the applicant as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant to approve the proposed fresh stage carriage permit. Hence, the application for fresh stage carriage permit submitted by the applicant has been considered and **rejected**.

Item No. 10

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 06 C 1434 operating on the route Muvattupuzha – Uzhavoor via. Marika, Vazhithala, Purappuzha, Palakkuzha, Koothattukulam in such a way that one additional trip to Muvattupuzha – Arakkuzha – Pandappilly and return utilising halting time at Muvattupuzha (trip at 02.20 p.m.)

2. This authority considered the application, verified the route enquiry report and other connected files and records. Objections, for and against the application were considered as per law.

3. As per the route enquiry report, existing route length of this inter-district permit is 41 Kms and the permit holder requested for an extension of trip Muvattupuzha – Arakkuzha – Pandappilly. There is an overlapping of 2 Kms at Muvattupuzha (Kottayam - Aluva Scheme). Route Enquiry Officer has further reported that any variation amounts to a fresh stage carriage permit as per Section 80 (3) of Motor Vehicles Act. Also, As per the report, applied variation is beneficial for the travelling public.

4. As per the report, requested extension involves two additional trips through the notified area at Muvattupuzha. We have also verified the provisions contained in G.O. (P) No. 13/2023/TRANS Dtd. 03.05.2023.

5. Therefore the requested variation of regular stage carriage permit on the proposed route is **allowed** to the stage carriage KL 06 C 1434 subject to settlement of timings. The permit holder is directed to produce the current records of the stage carriage for endorsing the granted variation within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of variation will be treated as revoked without further notice.

Item No. 11

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 17 E 4851 operating on the route Velloorkunnam – Thodupuzha via Randar, Thottamcherry, Ayavana, Kallorkkad, Vazhakkulam, Nagapuzha, with a cut trip Muvattupuzha – Pandappilly so as to extension of one trip from Velloorkunnam Temple to Thodupuzha via. Vazhakkulam, Kallorkkad, Painkulam and return by curtailing trips from Ayavana to Velloorkunnam Temple and Velloorkunnam Temple to Vazhakkulam.

2. This authority considered the application, verified the route enquiry report and other connected files and records. Objections, for and against the application were considered as per law.

3. As per the report of route enquiry officer, total route length is 45 Kms and after proposed variation, no change in route length. Proposed variation is inter-district in nature. Overlapping with notified route involves Muvattupuzha BOC to Latha Stand – 2 Kms and Vengallur signal junction to Kanjiramattom by-pass junction. Further, as per the report, since the permit holder intends to extend one trip from

Vellorkunnam to Thodupuzha by curtailing trips between Ayavana and Vellorkunnam Temple and Vazhakkulam and Vellorkunnam Temple, this has to be considered as a fresh permit u/s 80(3) of Motor Vehicles Act.

4. Further, the enquiry officer has submitted that the curtailment will not be beneficial for the travelling public and hence this variation cannot be recommended.

5. Thus, this authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Further, if this application is treated as a fresh stage carriage permit as explained by the Officer, this will be against the provisions contained in G.O. (P) 13/2023/TRANS Dtd. 03.05.2023

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; G.O.(P) 13/2023/TRANS and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.12

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 05 Y 2036 operating on the route Vellur railway station – Valiyapara via. Anchalpetty, Muvattupuzha, Kothamangalam. Ayyankavu, Cheruvattur so as to operate in such a way that starting and halting place varied from Cheruvattur to Muvattupuzha and time change Kothamangalam – Valiyapara and return. Additional trip Kothamangalam – Muvattupuzha via. Puthuppady.

2. An enquiry has been conducted through the office of Joint Regional Transport Officer, Kothamangalam and as per the report total route length is 73 Kms; No change in route length reported after proposed variation. There is an overlapping of 2 Kms from Latha stand to BOC junction with notified route. Any curtailment and deviation will adversely affect travelling public of the en-route area; Applicant propose to curtail 9 Km from Cheruvattur to Muvattupuzha as shifting of starting and halting trip. It is proposed that new stage carriage service has been started with 5 minutes time gap A4/11/2022/EM on the route Cheruvattur - Muvattupuzha. Similarly, new service has been introduced with 2 minutes time gap on the route

Kothamangalam – Cheruvattur. The officer further reported that Any variation amounts to a fresh permit application as per Section 80(3) of M V Act. Curtailment of first trip Cheruvattur – Muvattupuzha is in the early morning and frequency of service is less in this sector. Additional trip Kothamangalam – Muvattupuzha is on the well-served route.

3. Thus, this authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Permit holder's submission that new service has been introduced as a ground for variation of permit condition cannot be agreed upon. Timings were settled for the new services under the assumption that this service will also exist on the route.

It is well stated and settled by the enquiry officer that curtailment of first and last trip to an ill-served route will adversely affect travelling public.

Additional trip requested on the route Kothamangalam – Muvattupuzha is through a route in which frequency of service is considerably less. Thus, additional trip on this route cannot be recommended.

Also, there is no valid ground for a change of settled timing of the stage carriage as per the present conditions.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; observations of route enquiry officer, application for variation is **rejected.**

Item No.13

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 10 AE 2873 operating on the route Koothattukulam – Chembankuzhi via. Muvattupuzha, Kothamangalam, Neriyaamangalam as to extend one trip to Avolichal and subsequent changes in timings in the last trip to Koothattukulam.

2. As per the report of route enquiry officer, total route length is 56 Kms and route length varied as 64 Kms after proposed variation. Applicant has requested for an additional trip to Avolichal by changing existing set of timings.

3. In the open hearing of this authority, there is heated argument against the variation, stating that this proposal is under guise of changing the last trips from Neriamangalam to Koothattukulam. One of the local body members also expressed their concern on changing the timings of last trip from Pandappilly to Koothattukualm.

4. Thus, this authority considered the observations of the route enquiry officer with due seriousness and also the objections raised in the open hearing of this authority; extension of service to Avolichal and subsequent time change cannot be accepted; thus, we are of the opinion that objections were sustainable.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii; observations of route enquiry officer; and the objections raised in the open hearing, application for variation is **rejected**.

Item No.14

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 49 8586 operating on the route Kalady – Kothamangalam via. Chernalloor, Thottuva, Aimury, Poopani, Perumbavoor, Kuruppumpady, Odakkali so as to provide three additional to and fro trips to Kavumpuram Kanalpalam by utilizing the stay time at Perumbavoor.

2. As per the report of route enquiry officer, proposed extension involves 6 Kms. Existing route length of 38 Kms extended to 50 Kms. Permit holder intends to extend three trips using his stay time, Perumbavoor – Kavumpuram is an ill-served sector with need of more public transportation facilities Hence additional trips to this sector will be beneficial to the public.

3. We have also considered the submission of President, Koovappadi Gramapanchayath that additional trips to Kavumpuram Kanal Road will be beneficial for the students and travelling public of that area.

4. Therefore the requested variation of regular stage carriage permit on the proposed route is **allowed** to the stage carriage KL 49 8586 subject to settlement of timings. The permit holder is directed to produce the current records of the stage carriage for

endorsing the granted variation within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of variation will be treated as revoked without further notice.

Item No.15

Heard.

1. This is a request by the grantee of a fresh stage carriage permit on the route Koothattukulam – Piravom – Vattappara via. Chambamala, Nellurampara, Elanji, Namakkuzhi, Palachuvadu, Mullurpady, Pazoor, L P School, Kottappuram, Kalamboor, Kavala, Thottoor as ordinary moffusil service for granting maximum time for producing the current records of a suitable stage carriage

2. RTA Muvattupuzha held on 23.01.2023 in Item No. 4 granted fresh stage carriage permit to the applicant on the above said route. Proceedings of the meeting was dispatched to the applicant on 27.03.2023. On 26.04.2023 the applicant has placed a request for allowing 4 months for the production of a suitable vehicle based on medical grounds.

3. We have considered the application and verified connected records.

4. We have also verified Rule 159 of Kerala Motor Vehicles Rules, as provisions stipulated in the Rule, maximum time of four months in aggregate for the production of current records of a suitable vehicle for endorsing the granted permit is **granted**. Also, we made it clear that, if the grantee of the permit, fails to produce the current records within the stipulated four months' time, no further extension of time will be allowed and grant of the permit will be revoked without further notice as per law.

Item No.16

Heard.

1. This is a request by the grantee of a fresh stage carriage permit on the route Vadattupara – Kothamangalam – Muvattupuzha via. Keerampara, Nadukani, Kothamangalam, Nellikuzhi, 314 Road, Nirappe, Keecheripadi, Puthuppadi as ordinary moffusil service for granting maximum time for producing the current records of a suitable stage carriage

2. RTA Muvattupuzha held on 23.01.2023 in Item No. 7 granted fresh stage carriage permit to the applicant on the above said route. Proceedings of the meeting was dispatched to the applicant on 27.03.2023. On 05.06.2023 the applicant has placed

a request for allowing 4 months for the production of a suitable vehicle based on medical grounds.

3. We have considered the application and verified connected records.

4. We have also verified Rule 159 of Kerala Motor Vehicles Rules, as provisions stipulated in the Rule, maximum time of four months in aggregate for the production of current records of a suitable vehicle for endorsing the granted permit is **granted**. Also, we made it clear that, if the grantee of the permit, fails to produce the current records within the stipulated four months' time, no further extension of time will be allowed and grant of the permit will be revoked without further notice as per law.

Item No.17

Heard.

1. This is a request by the grantee of a fresh stage carriage permit on the route Thalayolapparambu – Thodupuzha via. Peruva, Perumbadavam, Elanji, Koothattukulam, Marika, Vazhithala, Kolani, Manakkad Jn. as ordinary moffusil service for granting maximum time for producing the current records of the stage carriage KL 05 R 5280

2. RTA Muvattupuzha held on 26.04.2022 granted fresh stage carriage permit to the applicant on the above said route. Timing settled on 17.01.2023; on 18.03.2023 grantee of the permit requested for more time to produce current records of the offered stage carriage KL 05 R 5280.

3. Even in the open hearing of this authority the grantee of the permit could not produce the records of his stage carriage for endorsing the granted permit. We have considered the provisions contained in Motor Vehicles Act and Kerala Motor Vehicles Rules on this matter and we could not find any reason to further extend time for the production of records of the vehicle for endorsing the granted permit. Hence application for time extension is **rejected**.

Item No.18

1. This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Cherukolpuzha – Vytilla Mobility Hub via. Puthezham, Thadiyoor, Theodickal, Vrindavanam, Chalappally, Perumpetty, Chungappara, Kottangal, Manimala, Ponkunnam, Pala, Kottaramattom Bus Stand, Valavoor, Uzhavoor, Monippally, Ilanji, Piravom, Arakkunnam, Mulamthuruthy, Kandanad,

Kureekad, Puthiyakavu, Kannankulangara, Thripunithura, Gandhi Square, Maradu, Kundannur Junction and Vytila as Limited Stop Ordinary Service.

2. The above application was enquired by the MVI, Muvattupuzha and he has reported that portion of the route from Elanji – Piravom – Peppathy for a distance of 16.2 Kms lies in the jurisdiction of this office there is no virgin portion and/or no overlapping with notified route in the portion lies in the jurisdiction of this office.

No objectionable overlapping or Notified Sector on the above portion of the route in the jurisdiction of RTA, Muvattupuzha.

3. Thus, concurrence is **granted** from this authority for the application subject to the right of primary authority to take a final decision on the application for fresh stage carriage permit.

Item No.19

1. This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Thodupuzha – Muniyara via. Vengallur Signal, Kaloor, Oonukal, Neriyaamangalam, Adimaly, Kallarkutty, Kambikandom and Panickankudy as Limited Stop Ordinary Service.

2. The above application was enquired by the MVI, Muvattupuzha and he has reported that the portion of the route from Kaloor – Onnukal – Neriyaamangalam for a distance of 19.8 Kms lies in the jurisdiction of this office. There is no virgin portion or no overlapping portion with notified route in the jurisdiction of this authority.

3. Thus, concurrence is **granted** from this authority for the application subject to the right of primary authority to take a final decision on the application for fresh stage carriage permit.

Item No.20

Heard.

1. This is

a) To peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 15673 of 2023; Dtd. 24.05.2023

b) To consider the application for replacement of stage carriage KL 17 D 4345 operating on the route Perumbavoor – Puthukkalavattom with SC KL 07 BG 8020

2. Sri. Mahnkunje, Nellikal House, Puthenkuriz, Karimugal has submitted a request for cancellation registration certificate wrt his stage carriage KL 17 D 4345 before the Joint Regional Transport Officer, Thripunithura.

3. As per the submission, vehicle has been dismantled and broken in to pieces on 08.09.2021. The same has been sold as scrap. Thus, JRTO Thripunithura has forwarded the same to the Secretary, RTA Muvattupuzha for further enquiry and report. Assistant Motor Vehicles Inspector, Muvattupuzha has submitted the report and in which he has reported that the vehicle bearing registration no. KL 17 D 4345 has been dismantled and sold as scrap on 04.09.2021. He has further reported that KL 17 D 4345 is not in existence from 04.09.2021.

4. Things are being so, on 11.04.2023, Sri. Mahinkunje has submitted an application for replacement of vehicles in prescribed form. Further, on 02.06.2023 he has produced a judgment from Hon. High Court of Kerala in WP(C) No. 15673 of 2023; Dtd. 24.05.2023 in which there is a direction to the Secretary, RTA Muvattupuzha to consider and dispose the application for replacement dtd. 11.04.2023 in accordance with law and as expeditiously as possible at any rate on or before 30.06.2023, after affording an opportunity of being heard.

5. We have considered the application for replacement in the light of Section 83 of Motor Vehicles Act, which states:

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.

Further, as per Rule 174 (2) d of the Kerala Motor Vehicles Rules

Upon receipt of the application, the Transport Authority may in his discretion, reject the application –if the holder of the permit has contravened the provisions thereof or has been deprived of possession of the old vehicle under the provisions of any agreement of hire purchase, hypothecation or lease.

In this case, the applicant has dismantled the vehicle years back and the outgoing vehicle is not in existence at all. A combined reading of Section 83, Motor Vehicles Act and Rules 174 of Kerala Motor Vehicles Rules, we are of the opinion that the application for replacement itself is not maintainable.

Further, we have also referred Viswambaran v. State of Kerala and others, 2008 (4) KHC 604:AIR 2009 Ker.53 I which states:

..Secretary, RTA as the delegate is not empowered to reject an application under Section 83 of the Act seeking replacement of one vehicle by another – If the Secretary is of the opinion that the application for replacement cannot be allowed, he should place application before the RTA and it is upto the RTA to take a decision in accordance with law.

Hence, the matter has been referred to the consideration of Regional Transport Authority, Muvattupuzha held on 17.06.2023 for consideration.

6. Regional Transport Authority held on 17.06.2023, heard the petitioner and considered the application as per law.

7. In the open hearing of RTA, there were severe objections against the consideration and issuance of this application. Major contention was that the permit is not in existence since there is no vehicle to hold the permit. By dismantling the vehicle; the permit holder detached the vehicle from the permit and kept the permit under suspended animation. In this context, we have verified the judgment of Hon. Division Bench of Hon. High Court of Kerala in WA Nos. 2486 of 2015 and connected cases. In Paragraph 12 of the judgment says:

12. Section 2(31) of the 1988 Act defines permit which is to the following effect:”2(31), “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of a motor vehicle as a transport vehicle”.

Permit thus is a permit issued by the RTA authorising the use of “a motor vehicle as a transport vehicle”.

By interpreting Sec. 2 (31), Rule 159, Section 83, Rule 174, Rule 152 and Rule 217 of the Motor Vehicles Act and Kerala Motor Vehicles Rules respectively, Hon. Division Bench of Hon. High Court of Kerala states in WA Nos. 2486 of 2015 and connected cases, the following:

paragraphs 15 of the judgment, which read thus:

15. The above statutory provisions clearly indicate that the permit holder is specifically obliged to keep the vehicle ready and in use for the entire period of permit. In the event he transfers the vehicle and loses ownership of the vehicle, permit can be suspended or cancelled. When a permit is suspended, temporary permit can be

granted. Object is that service covered by permit should always be run for the benefit of the public and permit holder has an obligation to run the service and if he wants to withdraw from service, he has to surrender the permit with notice so that the authorities can make proper arrangement. In the appeals before us, the request of the petitioners is to issue a clearance certificate permitting them to withdraw/detach the vehicle from the permit and allow the permit to continue. The petitioners want to keep their permits alive, so that in future if they want they can revive the service. There is no provision under the 1988 Act and the 1989 Rules for a permit holder in withdrawing the vehicle from the service but in that event, he has to surrender the permit. But without surrendering the permit, petitioners want to obtain permission of the authority to detach the vehicle from the permit which is not permissible under the statutory scheme.

8. We have also observed the directions contained in the judgment cited as Exhibit P5 in WP(C) 15673 of 2023. The petitioner relied on a judgment in Aysha v. RTA Kasaragod (2006(3) KLT 1013). In which, by interpreting Sec. 86 and Rules 159, Hon. High Court of Kerala has opined that permit could not be cancelled because of the fact that the petitioner did not replace the vehicle within the stipulated 15 years of age. We are of the opinion that this has got no direct relation with the present case in question.

9. Hon. Division Bench of Hon. High Court of Kerala in Jaffer v. Usman (2015(4) KLT 590) in Paragraph 10 states that:

...Permit is defined in Sec. 2(31). The definition of the permit clearly indicate that permit is authorization of a use of a motor vehicle. Permit is thus attached to a motor vehicle.

It is a fact that as per Sec. 83 of the Act, permit can be replaced during its currency. But, by detaching the vehicle from the said permit the petitioner loses the privilege of a 'permit holder'.

10. We have also observed the provisions contained in Sec. 86 (1) c of the Act. It clearly states that "The Transport Authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit *if the holder of the permit ceases to own the vehicle covered by the permit*"

11. In view of the discussions made above we are of the opinion that vehicle is an integral part of the permit; and both are closely associated in such a way that without a vehicle, permit alone is not in existence.

The practice of suspended animation cannot be allowed by this authority. In this case, the petitioner has no privilege of that of a permit holder. He himself detached and dismantled the stage carriage from a live permit even without the permission and intimation to this authority. This is also against the permit conditions stipulated in the Act and attached to the permit.

Thus we are of the opinion that there is no single reason to allow the prayer of the petitioner to replace the dismantled, not in existence vehicle to another stage carriage owned by the petitioner.

Hence as per provisions contained in Section 83 of Motor Vehicles Act and Rules 174 of Kerala Motor Vehicles Rules, **rejected** the application for replacement.

Item No.21

Heard

1. This is to re-consider the

i. report of Motor Vehicles Inspector, Muvattupuzha

ii. request for condone the delay occurred in filing the application for renewal of permit

iii. belated application for renewal of the regular stage carriage permit in respect of the stage carriage KL 10 U 9583 operating on the route Piravom – Muvattupuzha - Kothamangalam vide permit no. 17/1974/2007/EM, which was valid from 18.10.2017 to 17.10.2022 for further period of 05 years.

2. This is an application filed for renewal of regular permit in respect of S/C KL 10 U 9583 operating on the route Piravom – Muvattupuzha – Kothamangalam via. Onakkur, Anchalpetty, Pampakuda, Mathirappilly as ordinary service. This is a belated application and the permit holder has requested to condone the delay in filing the application on medical grounds.

i. Section 81 (2) of the Motor Vehicles Act stipulates the submission of application for renewal of permit not less than 15 days of expiry of permit. However the applicant submitted the application before the expiry of permit. He has submitted a request to condone the delay in filing the application on medical grounds. Secretary, RTA has conducted a personal hearing with the applicant.

ii. An Enquiry has been conducted through the Joint Regional Transport Officer, Muvattupuzha. This is an intra-district permit with route length 34.1 Kms. Overlapping distance is 2.5 Kms. Permit is issued in the year 2007.

3. This application was considered by the RTA held on 21.01.2023 in Item No. 20 considered the request of permit holder and adjourned the decision with direction to the Secretary RTA to conduct one more enquiry with his agency on the genuineness on the request for condone the delay in submitting application for renewal and place before this authority.

4. The matter was further enquired by the Motor Vehicles Inspector, Muvattupuzha. As per the report, the applicant, mentioned ill-health as the reason for non-submission of application for renewal of permit in time. However he has not produced any solid evidence for the same. It is came to know that he had some health issues; however the officer could not ascertain that delay in submission of application for renewal is because of his poor health condition.

5. Objection raised in this regard in the open hearing of this authority was considered and overruled.

6. Delay occurred in submission of application for renewal of permit is condoned as per the provisions contained in Section 81.

7. Permit is operational from 2007 and **renewal of permit is allowed** as per the findings of the route enquiry officer subject to clearance of dues to the Government and also subject to the production of NOC from financier, if applicable.

Item No.22

Heard

1. This is to consider the request for condone the delay occurred in filing the application for renewal of permit in respect of the stage carriage KL 40 B 7954 operating on the route Perumbavoor - Kaloor vide permit no. 17/1190/2002/EM, which was valid from 30.05.2017 to 29.05.2022 for further period of 05 years for ratification.

2. This is a belated application and the permit holder has requested to condone the delay in filing the application on medical grounds. Medical certificate produced.

Section 81 (2) of the Motor Vehicles Act stipulates the submission of application for renewal of permit not less than 15 days of expiry of permit. However the applicant could not submit the application for renewal before the expiry of permit. She has

submitted a request to condone the delay in filing the application on medical grounds.

3. Application for condone the delay in submission of application for renewal of permit is allowed.

4. Ratified.

Item No.23

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.24

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.25

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.26

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.27

Heard.

1. The stage carriage KL 33 6182 is covered by a regular permit to operate on the route Elamblassery – Perumbavoor valid up to 05.06.2026. An application for transfer of permit from the name of first applicant to the name of second applicant has been received.

2. Motor Vehicles Inspector, Muvattupuzha, heard both applicants and reported that the second applicant is financially sound to hold a stage carriage permit and conduct the service satisfactorily in favour of the public. The genuineness of the application was also ascertained and the application is maintainable as per Rule 178 of KMVRs.

3. There is objection in the open hearing of this against this transfer of permit citing a case pending with Kothamangalam Munsiff Court.

4. This authority is of the common opinion that Secretary RTA will enquire the matter and place the application before this authority.

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

Item No.28

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.29

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.30

Heard.

1. The stage carriage KL 44 7513 is covered by a regular permit to operate on the route Elamblassery – Perumbavoor valid up to 05.06.2026. An application for transfer of permit from the name of first applicant to the name of second applicant has been received.

2. Motor Vehicles Inspector, Muvattupuzha, heard both applicants and reported that the second applicant is financially sound to hold a stage carriage permit and conduct the service satisfactorily in favour of the public. The genuineness of the application was also ascertained and the application is maintainable as per Rule 178 of KMVRs.

3. There is objection in the open hearing of this against this transfer of permit citing a case pending with Kothamangalam Munsiff Court.

4. This authority is of the common opinion that Secretary RTA will enquire the matter and place the application before this authority.

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

Item No.31

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.32

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.33

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.34

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.35

Absent. Adjourned.

Item No.36

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.37

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.38

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.39

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.40

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.41

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.42

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.43

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.44

Absent. Permit already transferred. Item deleted.

Item No.45

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.46

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.47

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.48

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.49

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.50

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.51

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.52

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. 53

1. This is to ratify the surrender of regular permit in respect of Stage Carriage KL 17 B 7059 operating on the route Kothamangalam – Ayavana via. Inchoor, Oonnukal, Adivadu, Pareekanni, Varappetty, Muvattupuzha, Randar and Thottancherry with permit no. 17/2119/2013 and valid from 27.08.2018 to 26.08.2023 as per the request of permit holder.

2. Surrender of permit **ratified**.

Item No.54

1. This is a request from the Secretary, Paingootoor grama panchayath to provide sanction for bus stand at Paingootoor operational from 2004.

2. An enquiry has been conducted through the Joint Regional Transport Officer, Kothamangalam . Report submitted by the Motor Vehicles Inspector has been considered and examine in detail.

3. In the open hearing of this authority, there were many objections against the functioning of this bus stand.

As per the report of Motor Vehicles Inspector following aspects were clarified:

a) Property is owned by the Grama Panchayath

- b) Bus stand is situated in Paingottoor Junction and there is separate provision for entry and exit of stage carriages
- c) There is a waiting area for passengers with seats
- d) Borders of bus stand is marked with medians from PWD Road
- e) There is a comfort station in the bus stand

As per the discussion, following arrangements are to be incorporated for further processing of application, Secretary, Paigottoor Gramapanchayath is directed to do the needful to arrange the following aspects and the Secretary, RTA will conduct one more detailed enquiry and discuss the matter in the local traffic regulatory committee.

- a) Roofing protection is not provided as stipulated in Rule 344-2 (a) & (b) of KMVRs
- b) There is not enough parking space for stage carriage buses. Parking of more than two buses will cause traffic congestion; more space for parking of stage carriages to be arranged.
- c) Auto stand operating in the side of bus stand is interrupting the functioning of bus stand; auto stand to be shifted.
- d) Drinking water facility for passengers to be arranged
- e) Other basic facilities deemed fit for the functioning of a bus stand.

Re-submit the application with recommendation from the traffic regulatory committee, Paigottoor and report of Joint RTO Kothamangalam before this authority for further consideration and approval.

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

Item No.55

Heard.

1. This is to consider the representation from Kerala Bus Transport Association (KBTA), Perumbavoor Zone on seeking steps to prevent un-authorized travelling of students in stage carriages availing student travelling facility by integrating digital technology.

2. In the open hearing of this authority, other operators' associations requested to join in this item as applicants. A common opinion arrived at in the discussion was that by incorporating technology in to the stage carriage ticketing system, we can streamline so many issues including that of student concession.

3. We consider the digitalization of stage carriage ticketing system as an important aspect of integration of technology in to stage carriage service. However this needs a detailed study and exploration by an expert team.

We entrust the responsibility of exploring, analyzing and preparing a detailed study and report to Sri. P.M. Shabeer LLB, Regional Transport Officer, Muvattupuzha. He is free to constitute a small team for this purpose.

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

Item No.56

Heard.

1. This is:

a) To clarify the overlapping distances with various nationalized schemes passing through Aluva Town with respect to stage carriage permits on the bases of the report of sub-committee formed for the purpose.

b) To re-consider the report of sub-committee formed as per the decision of RTA, Muvattupuzha held on 18.09.2019 in Item No. 39 to clarify the routes (line of travers) and distances on various nationalized schemes passing through Aluva town based on the suggestions given by the Secretary RTA Muvattupuzha and Ernakulam.

2. We have verified the report of Secretary, RTA Ernakulam; connected files and records.

3. Regional Transport Authority held on 18.09.2019 in Item No. 39 has suggested to constitute a sub-committee with representatives of KSRTC, PWD, Senior Motor Vehicles Inspector to get a clarification on the line of traverse (route) and its distances on various nationalized schemes passing through Aluva Town.

Sub-committee has been constituted and the report was approved by the RTA held on 01.02.2020 in Additional Item 10.

4. As per the report of the sub-committee RTA considered the following and approved the suggesting overlapping distance as follows:

Overlapping at Aluva:

Aluva Railway station Jn. To Aluva KSRTC Bus station	- 0.1 Kms
Aluva Bank Junction to Matha-Mathurya Theatre Jn.	- 1.4 Kms
Total	- 1.5 Kms

Overlapping at Perumbavoor

Kalady Signal Junction to Palakkattuthazham	- 1.5 Kms
Total	- 1.5 Kms

As per the report, underlying Assumptions to be clarified

1. Route from Aluva Bank Junction to Matha – Madhurya Theatre Jn. 1.4 whether it is overlapping or intersection?

2. Aluva Transport Bus stand – Vadkkumpuram (Complete Exclusion Scheme) – Whether it comes under the clarification given by the Hon. Supreme Court of Kerala, ILR 1968 (2), Kerala 69; Standard Motor Union (P) Ltd. V/s. State of Kerala.

5. Things are being so, one Mr. Sajeev P.B., S/o. Balakrishnan, Pulikkal House, Manickamangalam, Kalady approached Hon. STAT. In its order passed by Hon. STAT, in MVARP No. 73/2020, Dtd. 15.09.2020 set aside the decision of RTA held on 01.02.2020 and directed to place the report of sub-committee once again and give an opportunity to the revision petitioner as well as to other objectors to prefer objection against the report.

Further,

6. Regional Transport Authority Muvattupuzha held on 08.02.2021 in Item No. 25 re-considered the report and heard the petitioners in MVARP No. 73/2020; Dtd. 15.09.2020. The authority adjourned the decision on this item with following remarks:

This authority is of the view that there is a revisit on the report submitted by the sub-committee is required to further proceeding on this matter.

Hence we suggest the Secretary RTA Ernakulam and Muvattupuzha will review the report of the committee and submit a revised report considering the submissions received before this authority.

7. Secretary RTA Ernakulam / Muvattupuzha re-visited the report and examined the findings in detail. As per the submission given by the Secretary, RTA Muvattupuzha an omission of portion between KSRTC Bus Stand, Aluva to Karothukuzhi Hospital for a distance of 0.7 Kms was noted in the report of sub-committee.

8. Thus, as per the submission of the Secretary, RTA the overlapping portions with notified routs in Perumbavoor and Aluva Towns for stage carriages traversing from Perumbavoor to Aluva can be summarized as follows:

<u>At Perumbavoor Town (onward and return)</u>	
Kalady Signal Junction to Palakkattuthazham (for SCs traversing to and fro Kothamangalam)	- 1.5 Kms
Bus stand to Palakkattuthazham (for SCs traversing to and fro Perumbavoor)	- 1.1 Kms
<u>At Aluva Town</u>	
(Based on various notified routes specified in the sub-committee report as per G.O.(P) 42/2009/Trans.14.08.2009)	
a) Onward journey	
(Railway station Junction-KSRTC Bus Stand – Karothukuzhy Hospital	-0.8 Kms
b) Return journey	
Bank Junction to Pump Junction (Also, Aluva - Vadakkumpuram Scheme)	-1.2 Kms
Pump Junction to Matha Madhurya Theatre	- 0.2 Kms
Total overlapping distance at Aluva Town	- 2.2 Kms

9. This authority elaborately considered the suggestions of Secretary, RTA Muvattupuzha on the report of sub-committee and **approved** the distance of notified portions as above. This has to be taken in to consideration on various enquiry reports prepared for services related to stage carriages. Secretary, RTA will communicate this to Sub-Regional Transport Offices especially, Perumbavoor and Aluva (through Secretary, Regional Transport Authority, Ernakulam) for necessary action.

Supplementary Item No. 1

Heard.

1. This is:

a) To peruse the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) 15164 of 2023; Dtd. 06.06.2023

b) To re-consider the modified application for fresh stage carriage permit to operate on the route Alinchuvade – Uppukandam – Kothamangalam – Perumbavoor – Allungal as ordinary service.

2. This was enquired through JRTO Kothamangalam and as per the report:

This is an intra-district route with route length 43.5 Kms. There is an overlapping of 0.5 Kms with notified route at Perumbavoor. MVI has reported that the overlapping is not objectionable. Further, there is an average frequency of 1 to 2 Hrs in Alinchuvadu – Kothamangalam sector and 1-2 Minutes in Kothamangalam – Perumbavoor sector and 2 to 3 Hours in Kothamangalam - Allungal sector.

Increased travelling facilities in the last segments will enhance travelling facility of that area. Hence time schedule re-scheduling as per public convenience will be beneficial for the public. Hence a re-visit on time schedule is needed.

3. This application has been placed before this authority held on 26.09.2022 in Additional Item No. 1 and the decision was adjourned with following remarks:

a) The focus operation has to be changed from Kothamangalam – Perumbavoor to other two areas. Representations from local leaders also suggests the same.

b) a re-visit on time schedule is highly necessary in this fresh stage carriage proposal in such a way that at least two more single trips are to be included in Aalinchuvadu – Uppukandam – Kothamangalam & Perumbavoor – Allunkal sectors.

c) Halting time at Perumbavoor (9.32 a.m.) has also to be increased.

d) Revised application with modified enquiry report has to be place before this authority.

4. Applicant submitted a modified time schedule and an enquiry report forwarded by Joint Regional Transport Officer, Kothamangalam. As per the report:

1. In the modified application:

- One additional trip added in Uppukandam – Kothamangalam sector
- No additional service to ill-served Alinchuvadu and Allumkal
- Focus of operation maintained as Kothamangalam – Perumbavoor.

5. Modified application has been considered by the RTA held on 23.01.2023 in item No. 1 and adjourned the decision for want of a revised proposed as specified by the RTA.

6. Against the decision of RTA, applicant approached Hon. High Court of Kerala and Hon court in its judgment in WP(C) 15164 of 2023; Dtd. 06.06.2023 directed to consider and dispose the modified application on fresh permit.

7. It is a fact that the average frequency of stage carriage service in sectors like Kothamangalam – Perumbavoor is less than 2 minutes. Operating more number of trips in this sector will facilitate un-healthy competition followed by accidents. The request of the applicant to re-consider the proposal on the bases of non-viability seems without any scientific or logical bases. This authority could not find any single reason to accept the argument of the applicant that the proposed suggestion of this authority is non-viable.

8. Thus, we have re-considered the application for fresh stage carriage permit on the route Alinchuvade – Uppukandam – Kothamangalam – Perumbavoor – Allungal submitted by the applicant in the light of submissions made by the applicant on our previous decision held on 23.01.2023 as per the provisions laid down in Sections 70, 71, 72 and 80 of Motor Vehicles Act 1988 and we are not satisfied the reasoning suggested by the applicant.

Hence, the application for fresh stage carriage permit submitted by the applicant has been reconsidered and **rejected**.

Departmental Item No. 1

Ratified works done by the Secretary, RTA, Muvattupuzha under delegated powers as per law.

Proposed date for next sitting of RTA, Muvattupuzha will intimate later.

1. Sri. G. Ananthakrishnan, Deputy Transport Commissioner (CZ-2); Member, RTA
Sd/-

2. Sri. N S K Umesh IAS, District Collector (Ernakulam); Chairman RTA.
Sd/-