

**DECISION OF THE MEETING OF THE REGIONAL TRANSPORT
AUTHORITY, KASARAGOD HELD ON 11-01-2024 AT 11.00 AM AT
DISTRICT COLLECTORATE CONFERENCE HALL, KASARKKODE**

Present :

1. SRI. K. INBASEKHAR IAS (DISTRICT COLLECTOR & CHAIRMAN RTA)
2. SRI.BIJOY P, IPS (DISTRICT POLICE CHIEF & MEMBER RTA)
3. SRI. RRAJEEV (DEPUTY TRANSPORT COMMISSIONER, NORTH ZONE & MEMBER RTA)

ITEM No: 1

Heard. This is an application for grant of Regular stage carriage permit to operate on the intra district route Kairalipara - Ambilady- Kundamkuzhy- Kasaragod- Madhur Via: Cherkala- Chattanchal- Poinachi- Perladukkam- Kolathur- Kundamkuzhi- Velakunnu as ordinary service. The enquiry officer reported that the proposed route from Poinachy to Kasaragod, a distance of 17 km overlaps on the Notified Sector (Kannur –Kasaragod NH 66), which is an objectionable overlapping. During the meeting, KSRTC vehemently objected the proposal on the ground that it is not open for a private stage carriage operator to operate its services by overlapping on a notified more than 5kms or 5 % (whichever is less). As per clause 5 (c) of the above notification in GO(P)No.13/2023/Trans Dated 03-05-2023, Permits can be granted to private stage carriages on other routes permitting them to overlap 5 Kms or 5% of the length of their own routes, whichever is less on the notified routes, for the purpose of intersection. In this case, the total route length is 48 kms, and the overlapping on the notified sector is 17 Kms, which exceeds the permissible limit of 5% or 5kms, (whichever is less) of the route length.

For the above reasons, the above application for fresh permit is **Rejected**

ITEM No: 2

Heard. This is an application for regular stage carriage permit on the inter district route Cherupuzha- Pulingome- Theyyeni- Chittarikal- Kattamkavala- Malom-Vellarikundu- Odayamchal- Panathur (via Kadumeni – Kunnumkai) as ordinary service. RTA meeting held on 11-12.2023 considered the same application and adjourned for concurrence from sister RTA Kannur since the Route portion from Cherupuzha to Pulingome 6 km lies in Kannur district. RTA Kannur granted the concurrence through circulation.

Hence, fresh regular stage carriage permit is granted subject to settlement of timings & remittance of application fee if not paid and production of current records of a suitable stage carriage within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

ITEM No: 3

Heard. This is an the application for grant of Regular stage carriage permit in respect of suitable vehicle (HMV S/C 38 in all) on the intra district route CHERKALA- KUNDAMKUZHI- ODAYAMCHAL- VELLARIKUNDU Via -Bovikanam- Erinjipuzha- Payam Kanhurathingal- Vavadukkam- Udayapuram- Kodoth- Odayamchala- Parappa as ordinary service.

During the meeting, representation received from Hon'ble. MLA, Sri C H Kunhambu to consider the application. The proposed route passes through interior area, the portion from Erinjiopuzha to Kundamkuzhi via Payam is ill served, only one S/C service, Kundamkuzhi to Odayamchal via Udayapuram and Kodoth is also ill served, provided with only one S/C service.

The Motor Vehicle Inspector has reported that some portions of the proposed route are not well served and it is much beneficial to the travelling public and school students. The applicant proposed a HMV vehicle to operate the services, however, the

enquiry officer has specifically reported that the some portions of the route are very narrow and this route not suitable for HMV hence RTA is of the view of that the safety of the passengers shall be taken in to consideration while granting permits. The counsel for the Petitioner put the argument that the road is suitable for stage carriage services and no virgin portion. Hence the decision on the application for fresh regular stage carriage permit is **adjourned for detailed route inspection by Secretary RTA in the presence of the Petitioner. The Secretary shall report the same to the next RTA.**

ITEM No: 4

Heard. This is an application for grant of a Regular stage carriage permit in respect of suitable vehicle on the intra district route Adkasthala-Perla- Kasaragod- Railway Station - Badiadukka-Kumbala- Neerchal-Kalathipara as ordinary service.

1. The total route length is 80.3Km
2. The proposed route from Poinachy to Kasaragod, a distance of 4.2 km overlaps on the Notified Sector (Kannur – Kasaragod NH 66), which is an objectionable overlapping.

The Enquiry officer has reported that the proposed route overlap 4.2Km on the notified sector (Kannur –Kasaragod)vide GO(P) No.13/2023/Trans dtd 03/05/2023 from Vidyanagar to Kasaragod which is an objectionable overlapping. Number of representation received from various corners in favour of the proposal and majority of the enroute operators objected the proposal. However, the proposal is not for round trip, the terminnee is only for starting and halting purpose, say, Adkasthala, which would not benefit the travelling public on the sector. More over the proposal is not specific, it covers multiple terminnees on different routes, Kasaragod Rly Stn.Kumbala, Kolathilpara. Thus even if the permit is granted, the fixation of timings for the different routes and multiple terminnees would be hectic. Hence application for regular stage carriage permit is on the intra district route Adkasthala-Perla-Kasaragod- Railway Station - Badiadukka- Kumbala- Neerchal-Kalathipara as ordinary service **is adjourned for want of modified**

proposal on a specific route and Secretary RTA shall place the matter in the next RTA with detailed report with the feasibility of timings.

ITEM No : 5

Heard. This is an application for grant of regular stage carriage permit on the intra district route Mulleria-Baiyaduka-Kumbala via Seethamgoli-Nirchal-Narambadi-Mouvar-Belliga as ordinary service. . It was earlier considered by the RTA dt. 18.09.2023 in item no.02, but the decision was adjourned with direction to the Secretary to ascertain the stability of the proposed time schedule. The Motor Vehicle Inspector submitted that limited stage carriage services are available in the applied route and introduction of the new service is more beneficial to the travelling public in the sector Mulleria-Baiyaduka-Kumbala. Representation also received from KSRTC and private bus operators association regarding the timings, which can be settled in a timing conference as per Rule 212 of KMVR.

Hence, fresh regular stage carriage permit is granted subject to settlement of timings & remittance of application fee if not paid and production of current records of a suitable stage carriage within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked .

ITEM No : 6

Heard. Perused the order of Hon'ble High court of Kerala in WA 2189 of 2023 dated 22.12.2023. This is an the application for grant of 4 months temporary permit to S/C KL 11 W 8577 under section 87(1) (c) on the intra district route Panjikkal-Kanhangad Via:Adoor-Pandi-Pallanji in place of KL13K 8996.

The Motor Vehicle Inspector, Kasaragod, has furnished the enquiry report as follows:

- 1) The route from Kanhangad to Kuttikkol is well served route.
- 2) Since 2019, after the expiry of temporary Permit any vehicle not conducted service on the entire route. It is a lapsed permit about 5 years ago.
- 3) Fresh temporary permit cannot be issued for the particular route Without conducting timing conference, there is a chance to time clash as the granted permit not issued and not operated, is invalid for last 5 years.
- 4) There is no urgent need observed from travelling public in this route.

The Hon'ble High Court of Kerala vide Judgment in WA No. 2189 of 2023 dated 22-12-2023 in which it was directed to consider the application, within a period of four weeks, in accordance with law and dispose the same at the earliest after hearing all the affected parties .

During the meeting several objections received.

The Hon'ble High Court of Kerala vide WA 993/2017 dated 15th June 2017 clarified as follows “merely because an application for permanent permit (not renewal) is pending consideration, temporary permit cannot be granted. For grant of temporary permit, the authorities are required to consider the conditions as stipulated in Section 87 of the Act and only if one or the other of those conditions is satisfied, then for a limited period as stipulated in the said section, temporary permit can be granted. With the above direction and observation, this appeal stands disposed of. Let a copy of this judgment be sent to the State Transport Commissioner for being communicated to all relevant authorities for guidance”.

It is understood that a fresh permit was granted to the applicant as per the decision of this authority dated 07-11-2017 in item No.03 to operate on the intra district route Panjikkal-Kanhangad Via:Adoor-Pandi-Pallanji the decision of grant of permit was communicated to the applicant with direction to produce current records of a suitable stage carriage within one month, the grantee failed to produce the records of stage carriage within the prescribed time. The maximum time allowable under rule 159(2) of KMV Rules, 1989 to produce the current records of a suitable stage carriage is four months in aggregate. Now after a lapse of 5 years, the grantee filed a request for issuing a temporary permit, which is not sustainable under law. **Hence, the grant of permit stands revoked.**

In view of the above, this authority has decided not to entertain the application for temporary permit u/s 87(1)c on the above route .

III. VARIATION OF PERMIT.

ITEM NO.7

Heard:-This is an application for variation of permit in respect of S/C KL 14 L 9290 operating on the intra district route Miyapadavu-Uppala-Pathuvadi-Valiyoor-Chigurupade as ordinary service.

The permit has holder applied for i) Variation of permit as extending the route from Miyapadavu to PathurKudumbachil 22 km via.Morthana, Majeerpalla, Nandarapadavu, Echikkal Masjid road Mudippu, Parappa and out of this portion route from Nandarapadavu –Mudippuand Parappa is falling within Karnataka State.

The report of Motor Vehicles Inspector is as follows:

1. On this variation route six medical & Engineering colleges and one university are functioning, hence, it is beneficial to the

travelling public and students in this route.

2. The variation is within the permissible limit of Sec.80(3) (i&ii) of MV Act, 1988

Enroute operators and KSRTC objected the proposed timings. Even though the extension would be beneficial to the travelling public, RTA feels that the proposed timings are not feasible. **The applicant is directed to submit a modified proposal without change the existing timings. On receipt of such a proposal from the applicant, the secretary, shall conduct an enquiry regarding its feasibility and place the matter before this authority for reconsideration. For the compliance of the above directions, the decision on the application is adjourned.**

ITEM NO:8

Heard. This is an application for regular variation of permit in respect of S/C KL 60 B 4797 operating on the inter district route Pallippara-Payyanur-Korom via Cheemeni- Kodakkad- Valiyapoil-Karivellur-Kookanam as ordinary service. The permit holder applied for

1) change the starting time from 6.20 am to 5.50 am. 2) Additional round trip from Payyanur to Korom and Korom to Payyanur. 3) Deviation of route from Karivellur to Cheemeni via Palakkunnu-Kodakkad-Valiyapoil instead of Kookanam. 4) In the 10th trip deviation of route from Cheemeni to Payyanur via Valiyapoil-Kodakkad-Karivellur instead of Kookanam-Karivellur. 5) Curtailment of last trip from Cheemeni to Pallippara, instead providing trip in the morning.

The field officer reported that the proposed variation and time change in the 1st trip would be beneficial to the travelling public of that area. No additional trips on the Notified Route (NH) is happened due to the proposed variation. The variation is within the permissible limit of Sec. 80(3)(i) of KMV Rules and not violating the provision of GO (P) 13/2023 Trans dated 03/05/2023. During the there is no serous objections except timings. **Hence, variation regular stage**

carriage permit is granted subject to settlement of timings & remittance of application fee if not paid .

ITEM NO: 9

Heard. This is an application for regular variation of permit in respect of S/C KL 14 H 3519 operating on the intra district route Badiadka- Kumbla- Mulleria Via Neerchal, Shanthipalla and Seethamgoli. The permit holder has applied for variation of permit by adding of 5 round trips from Badiyadukka to Mulleria. Starting place and Halting place changed to Mulleria instead of Badiadka.

Motor Vehicles Inspector has reported that there is no curtailment, however, the extension from Badiaduka to Mulleriaie: 13.5 km well-served route on a gap of 15 minutes, stage carriages are operating in this route. Several objections were received from both KSRTC and the enroute operators against the changes in the timings proposed on the ground that R/O intend to change the entire timings, and time changing is to be happened due to variation.

On perusal of the application, report of the field officer as well as the objections received, this authority has come to the following views:

1. The new halting place is a violation of Section 80 (3) of MV Act
2. On perusal of the proposal time the applicant intention is to alter the majority of the existing timings. This will unsettle the present state of equilibrium of timings prevailing among the stage carriage operators in the applied sector and may lead to unhealthy competition between enroute operators and cause accidents, traffic congestions, which in turn will harmfully affect the travelling public as well as other road users.

For the above reasons, the above application for variation permit is Rejected

ITEM NO 10

Heard. This is an application for regular variation of permit in respect of S/C KL 14 P 3159 operating on the intra district route Badiadka-Kumbla-Mulleria Via Neerchal, Shanthipalla and Seethamgoli as ordinary service. The permit holder has applied for Variation of permit by adding of 5 round trips from Badiyadukka to Mulleria. Starting place and Halting place changed to Mulleria instead of Badiadka. The variation is addition of 5 round trips from Badiyadukka to Mulleriva will helpful to travelling Publics and school children in this area.

Objection is received from KSRTC against the changes in the timings proposed on the ground that R/O intend to change the entire timings in existing timings, and time changing is occurred due to variation. During the meeting the applicant is ready to conduct service without much change in the existing timings. The discussion reveals that the variation is beneficial to the travelling public.

Hence, the variation is granted subject to settlement of timings.

ITEM NO: 11

Heard. This is an application for regular variation of permit for variation of permit in respect of S/C KL58 6876 [DOR.19-03-2007] operating on the intra district route Thalapady-Dharmathadaka-Bandiyode-Kumbala-Ichilangode-Pachani as ordinary service. The permit holder has applied for Variation of permit as one additional round trip from Bandiyode to Pachani 12 KM on the existing route.

The MVI has reported that:

- a) Thalapady-Bandiyod-Kumbala is a well served area and Nationalised sector NH 66
- b) Bandiyode –Pachani is an ill served route, no other buses conducting services in this route.
- c) Ichilangod-Bandiyode-only one bus conducting service in this route.
- d) Bandiyode –Kumbala –Dharmathadukka is a well served area.
- e) The application is within the purview of Sec.80 (3) (i&ii) of CMV Act, 1988.

The Permit Holder applied for one additional trip from Bandiyode – Pachani and it is an ill served route and is beneficial to the travelling public and school children in this route. During the meeting the objections received are connected with timings only.

Hence, the variation is granted subject to settlement of timings without altering the timings at other intermediate points.

ITEM NO:12

Heard. This is an application for regular variation of permit in respect of S/C KL 14 AC 4812 operating on the intra district route Mundyathadka- Neerchal- Alampady Via Seethangoli, Manya, Kolamkhana, Kallakatta as ordinary service. The permit holder applied for Variation of permit by extending the route from Mundyathadka to Malangare with a distance of 2.5 km. (This application was considered in the RTA meeting held on 18/09/2023- item no.11- and adjourned. New proposal submitted.) Variation applied is: 1) Curtailing one round trip from Mundyathadka – Neerchal – Kasaragod (1st and 2nd trip in the existing time sheet)

2) Extension of one trip from Mundyathadka to Maniyampara 6 Kms (Sheny School) (1st and 2nd trip in the proposed time sheet)

3) Extension to Malankara from Mundyathadka (4 trips in the proposed time sheet)

The enquiry officer reported that route distance from Mundyathadka to Seethangoli Perla Road having 3.5 kms is virgin portion for which road fitness certificate obtained. Curtailment of the morning trip from Myndyathadka to Kasaragod and back will adversely affect the travelling public. Extension is beneficial to school children and public (Sheny School), Maniyampara to Mundyathadka is ill served. Local club and Juma Masjid at Malankara filed representations in favour of extension.

During the meeting, objection received from KSRTC and Private Operators with regard to time clash which can be settled in a timing conference (Rule 212).

Hence, the variation is granted subject to settlement of timings without altering the timings at other intermediate points.

ITEM NO: 13

Heard. This is an application for regular variation of permit in respect of S/C KL 11 AA 0250 operating on the intra district route Yethadka-Badiadka-Perla-Kumbla-Kasaragod as ordinary service. The permit holder applied for extension from Yethadka-Badiadka, Badiadka-Perla and Badiadka-Kumbla(One Round Trip). Extension - One round trip Yethadkka-Badiadka, One round trip Badiadka-Perla and One round trip Badiadka-Kumbla. There is no curtailment in trips. MVI has reported that the proposal to provide additional trip on the sector Badiadka Yethadka Perla Kumbala is highly beneficial to traveling public. Due to variation, entire timings are happened to change. During the meeting, objection received from KSRTC and Private operators with regard to time clash which can be settled in a timing conference (Rule 212). However the Secretary has opined that the timings settlement would be hectic as other sectors are saturated portions.

Hence, the applicant is directed to submit a modified set of timing proposal, without change in the existing timings On receipt of such a proposal from the applicant, the secretary, shall conduct an

enquiry regarding its feasibility and place the matter before this authority for reconsideration. **For the compliance of the above directions, the decision on the application is adjourned**

IV. TRANSFER OF PERMIT

ITEM NO:14

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEM NO:15

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEM NO:16:

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEM NO:17

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEM NO:18

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEM NO:19

Heard. This is an application for grant new Auto Stand at Mundol Junction in Karadukka Grama Panchayath filed by the Secretary Karadukka Grama Panchayath, Post: Mulleria. The enquiry officer has reported that the proposed place is not suitable for Auto parking as per the Road Regulation 2017 Rule 22(2) d & f and structure of the road. RTA discussed the matter, and suggested to refer the matter to District Road Safety Council for detailed enquiry. **RTO Enforcement is directed to conduct detailed enquiry and to place the matter before next meeting of the DRSC.**

Supplementary Agenda

I.FRESH PERMIT

SUPPLI. ITEM No:1

Heard. This is an application for grant of regular stage carriage permit on the intra district route Sheni-Kalathur-Bakrabail-Kasaragod via Kumbala-Seethamgoli-Angadimugaru-Permude-Majeerpalla-Mudipu-Vidyanagar as ordinary service in respect of s/c KL14H4077.

The matter was taken up for considerations in the last of meeting of the RTA held on 14-12-2023 vide item No. 6 and took the decision as adjourned. The applicant was directed to submit modified route so as to cover the old bus stand. Modified proposal is having 83 kms total route length and the overlapping portion on the notified sector (from Kasragod to Vidyanagar) is below 5%. Route portion from Kasaragod to Vidyanagar having a distance of 4.00 km and Kumbala to Kadavath(Areekady) of 1.00 km overlaps in the notified sector (Kannur-Kasaragod) which is below 5% of the total route length. The Kerala State Private Bus Operator's Federation, Kasaragod Dist. Committee has represented that the proposal could not address the travelling needs of the ill served area Bakrabail Mudippu Majeerpalla Permude Sheni as there is only single trips are provided. The proposal is having more trips on the well served sector

Kasaragod Permude Majeerpalla, less service on the route Sheni-Kumbala and Mudippu - Bakrabail. The route has multiple termines, say Kasaragod, Sheni & Bakrabail, which can be granted as per rules.

The Motor Vehicle Inspector has reported that introduction of this new service is more beneficial to the travelling public, will help to access Medical college situated at Mudipu, Karnataka and institutions like Infosys. There is no direct bus service between Nandarapadavu to Angadimoguru. Several representations received in favour of the application especially from Sri. A.K.M. Asharaf MLA, Sri. C.H. Kunhambu, MLA, Headmaster Sri. Durga Parameshari HSS, Darmathaduka, Panchayath President Paivalika and other public figures. The proposed timings were also objected by enroute operators as well as KSRTC which can be settled as per Rule 212 in a timing conference.

RTA discussed the matter in detail and is of the view that introduction of new services could benefit the travelling needs of people who are not connected well and hence the decision on the application for regular permit in respect of s/c KL14H 4077 on the route Sheni-Kalathur-Bakrabail-Kasaragod via Kumbala-Seethamgoli- Angadimugaru- Permude- Majeerpalla- Mudipu-Vidyanagar **is granted subject to settlement of timings.**

SUPPLI. ITEM No:2

Heard:- This is an application for grant of regular stage carriage permit on the intra district route Sheni-Kalathur-Bakrabail-Kasaragod via Kumbala-Seethamgoli-Angadimugaru-Permude-Majeerpalla-Mudipu-Vidyanagar as ordinary service in respect of s/c KL14J1677.

The matter was taken up for consideration in the last of meeting of the RTA held on 18-09-2023 vide item No. 6 and took the decision as **adjourned. The applicant was directed to submit modified route so as to cover the old bus stand.** Modified proposal is having

83 kms total route length and the overlapping portion on the notified sector (from Kasragod to Vidyanagar) is below 5%. Route portion from Kasaragod to Vidyanagar having a distance of 4.00 km and Kumbala to Kadavath(Areekady) of 1.00 km overlaps in the notified sector (Kannur-Kasaragod) which is below 5% of the total route length. The Kerala State Private Bus Operator's Federation, Kasaragod Dist. Committee has represented that the proposal could not address the travelling needs of the ill served area Bakrabail Mudippu Majeerpalla Permude Sheni as there is only single trips are provided. The proposal is having more trips on the well served sector Kasaragod Permude Majeerpalla, less service on the route Sheni-Kumbala and Mudippu - Bakrabail. The route has multiple termines, say Kasaragod, Sheni & Bakrabail, which can be granted as per rules.


The Motor Vehicle Inspector has reported that introduction of this new service is more beneficial to the travelling public, will help to access Medical college situated at Mudipu, Karnataka and institutions like Infosys. There is no direct bus service between Nandarapadavu to Angadimoguru. Several representations received in favour of the application especially from Sri. A.K.M. Asharaf MLA, Sri. C.H. Kunhambu, MLA, Headmaster Sri. Durga Parameshari HSS, Darmathaduka, Panchayath President Paivalika and other public figures. The proposed timings were also objected by enroute operators as well as KSRTC which can be settled as per Rule 212 in a timing conference.

RTA discussed the matter in detail and is of the view that introduction of new services could benefit the travelling needs of people who are not connected well and hence the decision on the application for regular permit in respect of s/c KL14H 4077 on the route Sheni- Kalathur- Bakrabail- Kasaragod via Kumbala- Seethamgoli- Angadimugaru- Permude- Majeerpalla- Mudipu- Vidyanagar **is granted subject to settlement of timings.**

1. Sri K Imbasekhar IAS (District Collector & Chairman RTA)

2. Sri.BijoyP,IPS (District Police Chief & Member RTA)

3. Sri R Rajeev (Deputy Transport Commissioner, NZ & Member RTA)



E. UTY TRANS. CRT COMMISSIONER
NORTH ZONE, KOZHIKODE.
