

**Minutes of Regional Transport Authority, Muvattupuzha**  
**Held on 8 February 2021**

Present:

1. Sri. Suhas S., IAS, District Collector (Ernakulam); Chairman RTA, Muvattupuzha
2. Sri. K. Karthick. IPS, District Police Chief (Ernakulam Rural); Member, RTA
3. Sri. Reji P. Varghese, Deputy Transport Commissioner (CZ-2); Member, RTA

**Item No.1**

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.2**

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.3**

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.4**

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.5**

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.6**

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

**Item No.7**

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

**Item No.8**

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

**Item No.9**

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

**Item No.10**

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

**Item No.11**

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

**Item No.12**

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

**Item No.13**

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

**Item No.14**

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

**Item No.15**

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

**Item No.16**

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

**Item No.17**

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

**Item No.18**

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

**Item No.19**

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

**Item No.20**

Heard.

This is to consider the belated renewal of permit application submitted by the permit holder of the stage carriage KL 25 4226 on 25.05.2020 to operate on the route Piravom – Muvattupuzha via. Onakkoor, Anchalpetty, Pampakkuda and Marady vide permit no. 17/1000/2005/EM, which was valid from 17.01.2015 to 16.01.2020; but the renewal application was submitted only on 25.05.2020, which was not the required dates prior to the expiry of the permit.

An enquiry has been conducted by the Assistant Motor Vehicle Inspector and he has reported that the stage carriage had been conducted service till 23.03.2020 (lockdown period) without a valid permit.

An amount of Rs. 7500/- compounded as penalty for permit-less operation.

Medical certificate has been submitted by the applicant stating that he could not submit the application in time because he was under treatment.

However we could not find any impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is **granted** subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

**Item No.21**

This is an application to consider the application for renewal of the regular stage carriage permit in respect of the stage carriage KL 12 C 1112 operating on the route Perumbavoor – Muvattupuzha via. Pulluvazhy, Para, Valayanchirangara, Vimmala Temple, Pathalapparambu, Kamurtha, Kunnakkurudy, Thrikkalathur, Paipra, Vengola vide permit no. 17/1900/2005/EM, which was valid from 04.02.2015 to 03.02.2020 for further period of 05 years. Application for renewal has been submitted on 18.01.2020.

As per the report of the Motor Vehicles Inspector, this is an intra-district route with 36 Kms route length. The permit was issued in the year 2005 and there is an overlapping of 13.8 Kms with Kottayam – Aluva complete exclusion scheme. We have examined the application and related documents in detail. As per the revised Government notifications there is no legal impediment in renewing the permit.

Hence renewal of regular permit is **granted** subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

**Item No.22**

Heard. This is to consider the application for renewal of the regular stage carriage permit in respect of the stage carriage KL 40 L 5241 operating on the route Kochupurackal kadavu – Willington Island via. Panamkuzhy, Alattuchira, Kodanad, Vallam, Perumbavoor, Chembraky, Pookattupady, Kangarappady, Navodaya vide permit no. 200/17/2004/EM, which was valid from 09.05.2015 to 08.05.2020 for further period of 05 years.

As per the report of Motor Vehicles Inspector, this is an intra district route with 59.5 Kms route length. Total overlapping is 14.8 Kms and which includes complete exclusion notified sector also. We have examined the application and related documents in detail. As per the revised Government notifications there is no legal impediment in renewing the permit.

Hence renewal of regular permit is **granted** subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

**Item No.23**

Heard. This is to consider the application for renewal of the regular stage carriage permit in respect of the stage carriage KL 58 A 666 operating on the route Kothamangalam – Thripunithura via. Odakkali, Perumbavoor, Chembarakky, Pookkattupadi, Kangarappady, Navodaya, Kakkanad, CEPZ and Irumpanam vide permit no. 17/872/2015/EM, which was valid from 01.04.2015 to 31.03.2020 for further period of 05 years.

An Enquiry has been conducted by the Motor Vehicles Inspector, Perumbavoor. This is an intra district route with 51 Kms of which Karingachira Jn. to Thripunithura – 2 Kms comes under Ernakulam KSRTC Bus Station – Muvattupuzha KSRTC Bus station with Thripunithura as intermediate point. (GO (P) No. 05/2017/Trans; Dtd. 21.02.2017) and also Palakkattuthazham to Kalady – 1.5 Kms. comes under Aluva – Kattappana approved scheme G.O. (MS) 137/67/PW; Dtd. 18.07.1967. The permit has issued in the year 2015 and the notification published on 21.02.2017.

We have examined the application and related documents in detail. As per the revised Government notifications there is no legal impediment in renewing the permit.

Hence renewal of regular permit is **granted** subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

**Item No.24**

This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Nedumkandam – Muvattupuzha via. Mylaadumpara, Udumbanchola, Poopara, Rajakkad, Kunchithanni, Aanachal, Adimali, Neriyanangalam, Kothamangalam as Ordinary Service.

The matter was enquired by the MVI, Muvattupuzha and reported that the total route length is 134 Kms and a distance of 33 Kms falls in Ernakulam District. There is an overlapping of 2 Kms with Aluva – Kattappana notified scheme.

Thus, Concurrence is **granted** without prejudice on the right of the primary authority to take a decision on the application for fresh stage carriage permit.

**Item No.25**

Heard. Perused the order in MVARP No. 73/2020; Dtd. 15.09.2020.

This is 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) on various nationalized schemes passing through Aluva and Perumbavoor towns.

Report Submitted by the Sub-committee.

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 travers (route) 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.

A 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

Underlying Assumptions suggested to review were:

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.

The matter was placed before RTA Muvattupuzha held on 01.02.2020 and fixed the overlapping at Aluva as 1.5 Kms and Perumbavoor as 1.5 Kms.

Against the decision of RTA, 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.

Heard the learned counsel appeared for the petitioner; representative of KSRTC and also objectors.

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. The report will be placed before the next sitting of this authority and till then the status quo as on today has to be maintained.

Thus, the decision on this item is **adjourned**.

### **Item No.26**

Heard. This is to

(1) peruse the directions contained in the Judgments from Hon. High Court of Kerala in WP(C) No. 22278 of 2020 Dtd. 09.12.2020 & R.P. No. 1000 of 2020 in WP(C) No. 22278 of 2020.

(2) consider the request of various bus operators and associations on the down condition of Vengola – Valayanchirangara – Mannoor Road and deviation from that road to M.C. for the buses traversing on Perumbavoor – Muvattupuzha route.

(3) consider the complaint from DTO KSRTC stating that some of the private stage carriages are operating through M.C. Road (Perumbavoor – Muvattupuzha route) in front of KSRTC Buses violating permit conditions.

(4) consider the report of Assistant Engineer, PWD (R) Section, Perumbavoor permitting private stage carriages traversing through Mannoor – Poonjasserry Road through M C Road (Perumbavoor – Mannoor)

The conditions of Vengola – Valayanchirangara – Mannur road is said to be down in such a manner that stage carriage operations are not possible and as per the report of Asst. Engineer, PWD (R) Section, Perumbavoor re-construction work has already started and it is progressing.

Now, the request of stage carriage operators are to deviate their service through M.C. Road Perumbavoor – Muvattupuzha till the other part of the route is in serviceable condition.

Complaint of KSRTC also verified. As per the complaint of DTO, KSRTC, Perumbavoor, since the private stage carriages are operating through M C Road violating permit conditions in front of KSRTC service – which is a notified route – affecting the collection and it has to be prevented.

In a Judgment of Hon. High Court of Kerala in WP(C) No. 22278 of 2020 (H) Dtd. 09.12.2020 Hon. High Court of Kerala, consider the matter and directed the petitioners (operators of stage carriages) to file applications in PVA read with Section 80 (3) of the Act and Rule 179 of the Rules seeking variations of conditions of permit.

Further in RP No. 1000 of 2020 in WP(C) No. 22278 of 2020 Hon. High Court of Kerala has affirmed that while considering the request of the petitioners the provisions contained in Section 83, Rule 179 and Rule 145 (6) I also to be considered.

This authority elaborately considered the matter and verified connected records and files. We have also heard the view points of stage carriage operators, Assistant Engineer, PWD (R), Perumbavoor and also the representatives of KSRTC. We have also considered the representations from Public and heads of various institutions. Major observations are:

1. The said Vengola – Valayanchirangara – Mannur road is in down condition and in a depleted condition.
2. Re-routing is required for stage carriages operating through this road.
3. As per the direction of Hon. High Court of Kerala in WP(C) No. 22278 of 2020 (H) Dtd. 09.12.2020 and in RP No. 1000 of 2020 in WP(C) No. 22278 of 2020 stage carriage operators were not submitted application for variation of permit conditions in PVA format.

4. As per present norms there are legal issues to ply stage carriages through the full stretch of MC Road (Perumbavoor – Muvattupuzha).

Considering the above this authority entrust Regional Transport Officer (Secretary, RTA) to suggest a viable route for the operation of stage carriages passing through the road in question, till the completion of construction work. He will submit a proposal before the Chairman, RTA after field study and the same can be implemented with immediate effect. He can consult the affected stakeholders, if required.

Hence the decision on this matter is **adjourned**.

#### **Supplementary Item No.1**

Heard the applicant.

This is an application for fresh stage carriage permit on Elamblasserry – Perumbavoor. Perused the directions contained in the Judgment of Hon. STAT in MVAA No. 12/2021; Dtd. 05.02.2021.

This authority considered this application on 05.01.2021 in Item No. 1 (By circulation) and rejected the same with an observation that the application needs to be re-submitted with more number of trips on Kothamangalam – Elamblasserry sector. Hon. STAT set aside the decision of this authority and directed to re-consider the same within two months.

This authority considered the application, verified the records and also observed the observations of Hon. STAT.

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.

Sri. Reji P. Varghese, Deputy Transport Commissioner (CZ-2); Member, RTA Sd/-

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

Sri. Suhas S., IAS, District Collector (Ernakulam); Chairman RTA, Muvattupuzha Sd/-