

**DECISION OF REGIONAL TRANSPORT AUTHORITY , ERNAKULAM
DTD 03/10/2013**

Present:-Chairman-Sri.Sheik Pareeth,IAS,District Collector, Ernakulam

Members:-1.Sri.Satish Bino,I.P.S.District Police Chief, Ernakulam

2.Sri.P.A.Sainudeen,Deputy Transport Commissioner, CZ-II,Ernakulam.

Item No.01

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-6780 to operate on the route North paravur-Aroor via Varappuzha and Edappally as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.02

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-6860 to operate on the route North Paravur-Aluva as Ordinary Service.The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.03

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-7708 to operate on the route Aluva-Tripunithura as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.04

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for fresh intra district moffusil regular permit in respect of stage carriage KL-03-G-3096 or suitable stage carriage to operate on the route Kurisumudi-Elanthikkara. This authority considered the matter in detail .The proposed route having length of 36.2 kms. The enquiry officer has reported that the portion of the route from Manjaly to Pallam is ill served and hence proposed service will be beneficial to the travelling public including students. The proposed route overlapping on notified route for a distance of 1.5 km ,but which is not objectionable as per clause 5(c) of the notification no,42/2009/Tran dtd 14/07/2009.KSRTC has not filed objection. Hence fresh regular permit granted subject to settlement of timings as per the order No.D3/875/STA/2005 dtd 08-11-2011 of STA.Thiruvananthapuram.

Item No.05

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for fresh inter district moffusil regular permit in respect of stage carriage KL-05-M-5366 or suitable stage carriage to operate on the route Kalady-Angamaly-Kundoor-Elanthikkara. This authority considered the matter in detail .The proposed route having length of 45.4 kms in which 5.8 km lies under the jurisdiction of the RTA,Thrissur. Secretary RTA is directed to seek concurrence of RTA,Thrissur. Hence adjourned

Item No.06

Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for fresh inter district moffusil regular permit in respect of suitable stage

carriage to operate on the route Kizhakkambalam-Kunnumpuram-Tripunithura-Aroor via Pallikkara, Vegaland, Kakkanad, Pipe line Jn, Edappally Jn, Vyttila, Kaniyampuzha, Eroor, Kundannoor and Kumbalam. This authority considered the matter in detail. The proposed route having length of 42.3 kms. The enquiry officer has reported that the portion of the route from Vyttila to Tripunithura via Kaniyampuzha is ill served and hence proposed service will be beneficial to the travelling public including students of that area. The proposed route overlapping on notified route for a distance of 1.9 km. But the applicant is failed to offer a stage carriage even at the time of RTA meeting. Hence rejected.

Item No.07

Heard. The Learned counsel Adv. Stalin Peter Davis appeared for the applicant. This is an application for fresh intra district mofussil regular permit in respect of stage carriage KL-07-AN-5503 or suitable stage carriage to operate on the route Kizhakkeappangattu -Vypin in the vacant timings of stage carriage KL-07-AB-8578. This authority considered the matter in detail. The proposed route having length of 15.5 kms. This authority in its earlier sitting dtd 14/05/2013 was considered the application and adjourned decision for ascertaining the frequency of stage carriage services on the proposed route. Now the enquiry officer has reported that the portion of the route from Kizhakkeappangattu to Njarackal Hospital Jn is ill served and remaining portion is well served. It has also reported that proposed service will be beneficial to the travelling public including students. There is no overlapping on notified schemes. There is no vacant timings of stage carriage KL-07-AB-8578 available as sought by the applicant. Hence fresh regular permit granted subject to settlement of timings as per the order No.D3/875/STA/2005 dtd 08-11-2011 of STA. Thiruvananthapuram.

Item No.08

Heard. The Learned counsel Adv. P. Deepak appeared for the applicant. This is an application for fresh intra district mofussil regular permit in respect of Suitable Stage carriage with seating capacity not less than 28 in all to operate on the route High Court Jn-North Parur-Thathapilly in the vacant timings of stage carriage KL-42-5400. This authority considered the matter in detail. The proposed route having length of 35.6 kms. The enquiry officer has reported that the proposed route overlapping on Aluva-Parur, Aluva-Kuriappilly and Aluva-Chathanad complete exclusion schemes. But details of inter mediate points on the schemes are not specified. Secretary, RTA is directed to conduct a detailed enquiry and report whether the proposed route touches two or more intermediate points on the above schemes. Hence adjourned.

Item No.09

Heard. The learned counsel Adv. P. Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-F-191 operating on the route Pala-Kaloor as Erattupetta-Kaloor as LSOS. The permit holder is desired to vary the permit as Erattupetta-Kaloor by extending the service from Pala to Erattupetta which is 12 kms in length. This authority considered the application in detail. This authority in its earlier sitting was considered the application and sought

concurrence of the RTA, Kottayam since the variation portion lies under the jurisdiction of that RTA. RTA, Kottayam has rejected the concurrence for variation

on the grounds that there is an additional overlapping of 300 mts on Kottayam-Kattappana notified scheme exclusively reserved for the STU. Hence rejected.

Item No.10

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-BE-1004 operating on the route FACT CD Karimugal- Tripunithura- Irumpanam-Kakkanad-Kaloor-Eloor as ordinary service. The applicant is desired to vary the permit so as to operate 3rd trip from FACT to Eloor via Vyttila Bypass, Edappally instead of Kaloor and Kadavanthra. This authority considered the application in detail. The enquiry officer has reported that there is no additional overlapping in the variation portion and the curtailment of one trip via Kaloor and Kadavanthra will not affect the traveling public since the portion is well served and proposed variation will be beneficial to the traveling public including students. Hence variation of regular permit granted subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA, Tvm

Item No.11

Heard. The learned counsel appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-AR-3694 operating on the route Chathanad -Kaloor Bus Stand as ordinary service. The applicant is desired to vary the permit as Chathanad-Kathrikkadavu by extending the service (7th trip to 14th trip) from Kaloor to Kathrikkadavu which is 1.4 kms in length. This authority considered the application in detail. The enquiry officer has reported that there is no additional overlapping in the variation portion and no curtailment in the existing service. By the proposed variation the applicant is intended to alter the departure timings at Kaloor. It cannot be allowed since it leads to time clash with other existing services and consequently unhealthy competition among the stage carriages. The enquiry officer has reported that there is no sufficient parking place for stage carriages at Kathrikkadavu. It will lead to traffic congestion. Hence variation of regular permit rejected

Item No.12

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-05-V-4141 operating on the route Kaippuzhamuttu-Vaikom-Thoppumpady-Kaloor Bus Stand as LSOS. The applicant is desired to vary the permit so as to extend 1st, 3rd and 5th trips from Vyttila to Amrutha Hospital via Bypass and Kunnumpuram and to deviate 7th trip from Vyttila to Thoppumpady by curtailing the service to Kaloor. This authority considered the application in detail. The proposed variation includes extension, deviation and curtailment. The enquiry officer has reported that the curtailments of trips to Kaloor and Thoppumpady will adversely affect the travelling public since no sufficient stage carriage services from Vyttila to Thoppumpady via Aroor. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of trips. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips to Thoppumpady via Aroor and to Kaloor cannot be allowed. So many objections have been received against the proposed variation. This authority feels that there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the application for variation of permit rejected.

Item No.13

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BE-5945 operating on the route Irumpanam-Eloor Ferry via Tripunithura. The applicant is desired to vary the permit so as to operate 4th trip as round trip Tripunithura-Tripunithura via Ernakulam South and Eloor and to operate 5th trip as Tripunithura-Eloor Ferry by avoiding service from Ernakulam South to Thevara Jn . This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the curtailments of service from Pallimukku Jn to Thevara Jn, Palarivattom to Eloor in the 4th trip, Eloor to Thevara Jn in the 5th trip, Thevara Jn to Eloor in the 6th trip and Eloor to Tripunithura in the 7th trip will adversely affect the travelling public including students. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of trips. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence the proposed variation by curtailment of existing trips cannot be allowed. There is no necessity under rule 145(6) warranting for the grant of proposed variation .Hence the application for variation of permit rejected.

Item No.14

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-A-6166 operating on the route South Chittoor-Kadavanthara as ordinary service. The applicant is desired to vary the permit so as to terminate service at 6.37 PM instead of 10.01PM at Chittoor ferry by curtailing night trips to Ernakulam South and Kadavanthara. This authority considered the application in detail. This authority in its earlier sitting adjourned decision on application for variation of permit filed by the permit holder with direction to produce a modified proposal avoiding the curtailment of service to Kadavanthara. Now the permit holder has produced a modified proposal without avoiding curtailment of night trips to Chittoor Ferry. This authority feels that the curtailment of night trips will adversely affect the travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. Hence variation of permit granted without curtailing the 14th trip from Kadavanthara to South Chittoor subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA, Tvm.

Item No.15

Heard. The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AT-9428 operating on the route Ernakulam óKottuvally via Gosree Bridges, Njarakkal, Cherai and North Parur as ordinary moffusil service. The permit holder is desired to vary the permit so as to extend the first trip from Chemmayam up to Ernakulam High Court Jn and there by curtailment of one trip between Vypin to Elamkunnappuzha and one trip between Elamkunnappuzha and Kalamukku. This authority considered the matter in detail. The enquiry officer has reported that the curtailment is only 1.1 km and that portion is well served. Hence the curtailment of only one trip is not adversely affect the travelling public. He has also reported that the extension of 1st trip from Vypin to Ernakulam High Court Jn is beneficial to the travelling public including students. There is no additional overlapping in the variation portion. Hence variation

of permit granted subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA,Tvm.

Item No.16

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-10-AA-8425 operating on the route Kurumassery-Kadappara as ordinary service. The applicant is desired to vary the permit so as to extend the first trip up to Kadappara.This authority considered the application in detail.The enquiry officer has reported that the proposed variation includes extension only and it will be beneficial to the travelling public including the pilgrims to Malayattoor Church.No objections have been received against the proposed variation.There is no additional overlapping on notified route. Hence variation of regular permit granted subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA,Tvm.

Item No.17

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-17-9192 operating on the route Aluva-Eramalloor via Asokapuram, Edathala, Pookkattupady,Edappally Toll,Palarivattom,M.G Road,Vyttila ,Kumbalam and Aroor as ordinary Moffusil service.The applicant is desired to vary the permit so as to operate 3rd,5th,7th and 8th trip via Vyttila Bypass instead of M.G Road and Ernakulam South. This authority considered the application in detail. The proposed variation includes deviation and curtailment.The enquiry officer has reported that the curtailments of trips will adversely affect the travelling public and school going students since no sufficient stage carriage services on the curtailing portion.So many objections have been received against the curtailment of service including night trip through MG Road. Interest of the public is the main factor for the grant of a variation on existing regular permit.The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips through an ill serviced cannot be allowed.More over the existing route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannoore notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009.The grant of additional trip on a notified route or its portion will be a clear violation of the above said notification.As per sub section 3 of section 80 of MV Act 1988,any application for variation by increasing the number of trips,extension or curtailment of the route shall be treated as an application for the grant of a new permit. This authority is prevented from the grant of a permit on a notified route violating the provisions of section 98 of MV Act,the scheme of nationalization. There is no necessity under rule 145(6) warranting for the grant of proposed variation .Hence the application for variation of permit is rejected.

Item No.18

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-40-A-8863 operating on the route Aluva-Chottanikkara as ordinary City service.The applicant is desired to vary the permit so as to change starting and halting place to Marottichuvadu from Aluva by curtailing the service between HMT Colony and Aluva in the 1st and last trip and deviate service of the 3rd trip from Kaloor to

Chottanikkara via K.K Road avoiding the service via Ernakulam South and High Court Jn. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the curtailments of first and last(nigh Trip) trips between HMT Jn and Aluva will adversely affect the travelling public and school going students. So many objections have been received against the curtailment of service including night trip to Aluva. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. The enquiry officer has reported that the proposed deviation of service in the 3rd trip via K.K road will help to reduce the traffic congestion in the city limit and is helpful to the travelling public. Secretary RTA is directed to conduct a detailed enquiry to ascertain whether there are sufficient stage carriages operating service from Ernakulam South to Aluva after 8.00pm. Hence adjourned.

Item No.19

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-A-9680 operating on the route Adivaram-Aluva as ordinary moffusil service. The applicant is desired to vary the permit so as to operate two trips to Kalady via Desom Kaipra, Chowara and Kanjoor by curtailing the portion Desom-Airport via Mattoor and Chowara and to curtail the service from Kalady to Aluva in the 9th trip for operating one additional trip between Adivaram and Kalady. This authority considered the application in detail. The proposed variation includes deviation and curtailment. This authority in its earlier sitting adjourned decision on this application for variation of permit with direction to secretary RTA to ascertain whether the curtailment and deviation in existing service adversely affect the travelling public. The enquiry officer has reported that the requested variation will not adversely affect the travelling public and it will be helpful to the travelling public in the deviated routes. Hence proposed variation of permit granted subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA, Tvm.

Item No.20

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AZ-2254 operating on the route Chittethukara- Edakochi-Fortkochi as ordinary city service. The permit holder is failed to file application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application along with the request for condonation of delay in filing application and satisfied with the statement and a medical certificate produced by the applicant. The route having length of 34 kms and the route objectionably overlapping on notified scheme. This permit was issued before 09/05/2006. There is a stay for clause(4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence delay condoned and the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.21

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-04-J-1141 operating on the route Koothattukulam-Kaloor as Ordinary Moffusil service. The permit holder has filed application for renewal of permit within a time

limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 48 kms and the route objectionably overlapping on notified scheme. This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification No.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.22

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-05-V-2385 operating on the route Tripunithura-Aluva as Ordinary Moffusil service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 42 kms and the route objectionably overlapping on notified scheme. This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification No.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009

Item No.23

Heard. This is an application for renewal of inter district regular permit in respect of stage carriage KL-11-Q-1549 operating on the route Kumbalangy Ferry-Kakkanad as Ordinary Moffusil Service. The route having length of 31.4 kms in which 12 kms lies under the jurisdiction of the RTA, Alappuzha. Hence Secretary RTA is directed to seek concurrence of RTA, Alappuzha. Hence adjourned.

Item No.24

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-17-1704 operating on the route Pallikkara-Tripunithura-HMT Jn as Ordinary Moffusil service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 24.2 kms and the route objectionably overlapping on notified scheme. This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification No.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009

Item No.25

Heard. This is an application for renewal of intra district regular permit in respect of stage carriage KL-17-A-3814 operating on the route Mecherimugal-Ernakulam as Ordinary Moffusil service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 56 kms and the route objectionably overlapping on notified scheme. This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification No.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009

Item No.26

Heard. The learned counsel appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-17-E-3639

operating on the route Pallikkara-Kottayam as LSOS. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 92 kms and in which 44 kms lies under the jurisdiction of the RTA, Kottayam. RTA, Kottayam granted concurrence for renewal of permit. The route objectionably overlapping on Ernakulam-Thekkady and Trivandrum-Palakkad notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued before 09/05/2006. There is a stay for clause(4) of the above said notification. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009 and subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA, Tvm

Item No.27

Heard. This is an application for renewal of inter district regular permit in respect of stage carriages KL-05-AB-3666 and KL-05-AE-9178 operating on the route Kumily-Konnakkad in opposite directions as Super Express Service. This authority considered the applications in detail. The regular permit in respect of the above vehicles were expired on 23/07/2007 and hence the applications for renewal of permits for the periods of 5 years from 23/07/2007 were pending for want of concurrence of sister RTAs. During 2012 the permit holders filed further applications for renewal of permits from 23/07/2012. But the concurrence of sister RTAs for the renewal of permits for the previous period ending up to 23/07/2012 had not received at that time. Thereafter RTA, Kottayam, RTA, Thrissur, RTA Malappuram and RTA Vadakara were rejected the concurrence for renewal of permits on the portions of the above route. KSRTC strongly objected the grant of renewal of permit. As per rule 171 of KMV Rules, an inter district regular permit is not valid in a region without concurrence of the Regional Transport Authority or Regional Transport Authorities of the other region or regions concerned. In this case the RTA, Kottayam, RTA Malappuram, RTA, Thrissur and RTA Vadakara have rejected the concurrence for renewal of permits. Hence renewal of this inter district stage carriage permit cannot be granted. There is no provision in the MV Act to renew an inter district stage carriage permit when the sister Regional Transport Authorities rejected the concurrence for renewal of permit. More over as per clause 18 of GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service in the state of Kerala is reserved exclusively for the state Transport Undertaking. Hence rejected.

Item No.28

Heard. The learned counsel appeared for the applicant. This is a matter relating to the renewal of inter district regular permit in respect of stage carriage KL-04-D-4601 (offered new vehicle KL-07-AG-5711) to operate on the route Pallithode-Ernakulam Kaloor Bus stand as ordinary moffusil service. The regular permit was expired on 26/11/2002. The application for renewal of permit for two terms ie, up to 25/11/2007 and 25/11/2012 are pending for want of concurrence of RTA, Alappuzha. This authority in its earlier sitting dtd 29/11/2012 sought concurrence of the RTA, Alappuzha for the renewal of regular permit with effect from 26/11/2012. The stage carriage KL-07-AG-5711 owned by the permit holder was operating on the above route with an issued temporary permit U/S 87(1)d valid up to 08/03/2013 in compliance of the judgment of Hon'ble STAT in MVAA

No.93/2010.Now the RTA,Alappuzha has granted concurrence for renewal of regular permit with effect from 27/11/2002 to 26/11/2012.Hence renewal of permit up to 26/11/2012 granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.But the permit holder had not filed application for further renewal of permit U/S 81(2) of MVAct with effect from 27/11/2012.More over he had not availed any temporary permit with effect from 09/03/2013.Hence Secretary,RTA is directed to issue show cause notice to the permit holder for the non filing of application for renewal of permit U/S 81(2) of MV Act and thereby non operation of service violating the permit condition.

Item No.29

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AN-4290 operating on the route Kumbalangi-Chittoor Ferry as ordinary city service.The permit holder is failed to file application for renewal of permit within a timelimit prescribed under Section 81(2) of MV Act.This authority considered the application along with the request for condonation of delay in filing application and satisfied with the statement and a medical certificate produced by the applicant.The route having length of 27 kms and the route objectionably overlapping on notified scheme .This permit was issued before 09/05/2006. There is a stay for clause(4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009 and remittance of Rs.5000/- towards the compounding fee for permitless operation.

Item No.30

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AJ-4433 operating on the route Noth Parur-Kaloor as ordinary moffusil service.The permit holder is failed to file application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act.This authority considered the application along with the request for condonation of delay in filing application and satisfied with the statement and a medical certificate produced by the applicant.The route having length of 23.5 kms and the route objectionably overlapping on notified scheme .This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009 and remittance of Rs.5000/- towards the compounding fee for the permitless operation.

Item No.31

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AQ-6210 operating on the route Cheranelloor-Mattancherry as ordinary service.The permit holder is failed to file application for renewal of permit within a time limit specified under Section 81(2) of MV Act.This authority considered the application along with the request for condonation of delay in filing application and satisfied with the statement and a medical certificate produced by the applicant.The route having length of 32 kms and the route objectionably overlapping on notified scheme .This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence delay

in filing of application is condoned and the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.32

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-34-9018 operating on the route Ponkunnam-Kaloor Bus stand as LSOS.The route having length of 86 kms in which the portion of the route from Koladithazhe to Ponkunnam which is 38 kms in length lies under the jurisdiction of the RTA,Kottayam.Hence Secretary RTA is directed to seek concurrence of RTA,Kottayam .Hence adjourned.

Item No.33

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-A-2064. Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.34

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-43-B-439.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.35

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AF-413.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.36

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-03-J-2332.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.37

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-45-1224.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.38

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-B-420.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.39

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AD-3051.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.40

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AY-4229.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.41

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-32-3831.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.42

1.Perused the judgments of Honøble High Court of Kerala in WP(c) No.2879/2010 dtd 08/04/2013 andR.P No.440 of 2013 in WP(c) No.2879/2010 dtd 19/06/2013.

2.Heard.The learned counsel Adv.G.Prabhakaran appeared for the applicants.

The writ petition 2879/2010 was filed by Mr.P.K.Ajayan against the earlier decision of this authority granting the transfer of permit in respect of stage carriage KL-41-B-4590 in to the name of a non scheduled caste member in compliance of the judgment of Honøble STAT in MVAA No.101/2008.Vide judgment in writ petition 2879/2010 dtd 08/04/2013,the Honøble High Court of Kerala has set aside the decision of this authority and ordered to relook and reconsider the matter after ascertaining whether the transferor (Sri.Santhosh Kumar) was granted the permit in the open quota or in the quota reserved for scheduled caste,which is a relevant factor in this case.

Mr.Sujith.V.K,the transferee has filed a RP No.440/2013 challenging the above judgment of Honøble High Court of Kerala.In judgment in above RP,the Honøble High Court allowed the petitioner to conduct stage carriage service till order passed by this authority afresh pursuant to the order of remand.

This authority considered the matter in detail and reveals that the regular permit issued to Sri.Santhosh Kumar was under Sn.71(3) of MV Act, under reservation quota for SC/ST. The transferee, Mr.V.K.Sujith is not a person belongs to reservation category. This authority feels that if a permit granted under reservation quota for SC/ST member is transferred to a person belongs to non scheduled caste member,t he ratio fixed to hold permits by members of scheduled caste and unscheduled caste cannot be maintained. Hence the this application for transfer of permit from a scheduled caste member to a non scheduled caste member cannot be allowed. Hence rejected.

Item No.43

Heard. 1.The learned counsel Adv.G.Prabhakaran appeared for the applicants. This is an application for transfer of permit in respect of stage carriage KL-41-4953.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

2.Considered the request filed by the permit holders of stage carriages KL-41-4953 and KL-17-D-4345 for interchanging the timings of the last trips of their services from Thevara ferry to Perumbavoor. Secretary, RTA is directed to take necessary action on the basis of enquiry report furnished by the field officer.

Item No.44

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AR-2777.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.45

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-18-D-2916.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.46

Heard. The learned counsel Adv.P.Deepak appeared for the applicant .This is an application for transfer of permit in respect of stage carriage KL-42-A-3937.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.47

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-42-3122.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.48

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AJ-4433.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.49

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AN-6762.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.50

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AT-7487.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.51

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-BC-

6371.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.52

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-6382.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.53

Heard. The learned counsel appeared for the applicant This is an application for transfer of permit U/S 82(2) of MV Act in respect of stage carriage KL-35-B-6957 operating on the route Pala-Ernakulam as Fast Passenger service.The applicant has produced sufficient documents to prove the legal heir ship. Transfer of permit allowed U/S 82(3) of MV Act subject to clearance of government dues and production of NOC,if applicable.

Item No.54

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-42-C-6262.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.55

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AQ-6210.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.56

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant .This is an application for transfer of permit in respect of stage carriage KL-07-AD-7862.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.57

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AQ-9634.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.58

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-BC-8262.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.59

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant .This is an application for transfer of permit in respect of stage carriage KL-07-BD-7911.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.60

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant .This is an application for transfer of permit in respect of stage carriage KL-17-A-9680.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.61

Heard. The learned counsel Adv.P.Deepak appeared for the applicant .This is an application for transfer of permit in respect of stage carriage KL-17-B-9598.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.62

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-39-7788.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.63

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-BH-8052.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.64

1.Perused the Judgment of Honøble STAT in MVARP No.195/2013,wherein the Honøble tribunal has directed to remand the application for temporary permit filed by the appellants for fresh consideration.

2.This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage carriage KL-35-A-4649 to operate on the route Thrissur-Kumbalam in the vacant timings of stage carriage KL-08-AH-2244.This authority considered the scope and applicability of the temporary permit U/S 87(1) C of MV act. The regular permit issued to stage carriage KL-08-AH-2244 was expired on 23/12/2009. The proposed route is well served by Private Stage Carriages and stage carriages owned by State Transport Undertaking. There is no public need reported for the grant of a temporary permit on proposed route .The proposed route having length of 87 kms in which a distance of 44 kms lies under the jurisdiction of RTA,Thrissur.The portion of the route from Edappally to Vyttila which is 12 kms in length in Ernakulam district objectionably overlapping on Ernakulam-Thrissur notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. KSRTC vehemently objected the grant of temporary permit on this route and stated that at present sufficient stage carriages owned by the STU are conducting service on the same route. This authority feels that there is no necessity exist at present for the grant of temporary permit U/S 87(1)C of MV Act on the above well served route. Vide Judgment in WA No.1943 of 2012 and 1957 of 2012 dtd 23/08/2013 the Honøble High Court has ordered on the basis of judgment of Honøble Supreme Court in U.P State Roadways Transport Corpn.ø case (Supra) that the private stage carriage operator have no right to claim any grant of stage carriage ,temporary permits on the notified route or portions thereof.If a temporary permit is granted on the proposed

route it will be a clear violation of provisions of scheme of nationalization and against the above Orders of Honøble High Court of Kerala and Honøble Supreme Court of India. Moreover this authority is prevented from the grant of regular or temporary permits on the notified routes or its portion as per judgments of Honøble Supreme Court of India and Honøble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010 respectively. Hence rejected.

Item No.65

1.Perused the Judgment of Honøble STAT in MVARP No.231/2010 dtd 25/05/2013,wherein the Honøble tribunal has directed to remand the application for temporary permit filed by the appellant for fresh consideration.

2.Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage carriage KL-36-7847 to operate on the route Thalayolapparambu-Ernakulam in the vacant timings of stage carriage KL 07-G-9599.This authority considered the scope and applicability of the temporary permit U/S 87(1) C of MV act. The regular permit issued to stage carriage KL-07-G-9599 was expired on 17/07/2007.This authority in its earlier sitting rejected the application for temporary permit on the same route on the grounds that the portion from Puthenkavu to Kaloor is objectionably overlapping on notified scheme. The applicant challenged the above decision on the ground that the place puthenkavu is not an intermediate place on the proposed route. Hence the judgment in MVARP No.231/2010. The propose route is well served by Private Stage Carriages and stage carriages owned by State Transport Under taking. The is no public need reported for the grant of a temporary permit on proposed route .The proposed route having length of 45.3 kms in which a distance of 8 kms lies under the jurisdiction of RTA,Kottayam.The portion of the route from Puthiyakavu to Kalor which is 8 kms in length in Ernakulam district objectionably overlapping on Ernakulam-Thekkady notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. KSRTC vehemently objected the grant of temporary permit on this route and stated that at present sufficient stage carriages owned by the STU are conducting service on the same route. This authority feels that there is no necessity exist at present for the grant of temporary permit U/S 87(1)C of MV Act on the above well served route. Vide Judgment in WA No.1943 of 2012 and 1957 of 2012 dtd 23/08/2013 the Honøble High Court has ordered on the basis of judgment of Honøble Supreme Court in U.P State Roadways Transport Corpn.ø case (Supra) that the private stage carriage operator have no right to claim any grant of stage carriage ,temporary permits on the notified route or portions thereof.If a temporary permit is granted on the proposed route it will be a clear violation of provisions of scheme of nationalization and against the above Orders of Honøble High Court of Kerala and Honøble Supreme Court of India. Moreover this authority is prevented from the grant of regular or temporary permits on the notified routes or its portion as per judgments of Honøble Supreme Court of India and Honøble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010 respectively. Hence rejected.

Item No.66

1.Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for temporary permit for a period of 4 months in respect of stage carriage KL-07-BE-1281 to operate on the route Eloor Ferry-Wellington Island in the vacant timings of stage carriage 07-B-4887.This authority considered the scope and applicability of the temporary permit U/S 87(1) C and U/S 104 of MV act. The proposed route is well served by Private Stage Carriages and stage carriages owned by State Transport Under taking. KSRTC vehemently objected the grant of temporary permit on this route and stated that the proposed route is a portion of the notified route and at present sufficient stage carriages owned by the STU are conducting service on the same route. This authority feels that there is no necessity exist at present for the grant of temporary permit U/S 87(1)C of MV Act on the above well served route. Hence temporary permit U/S 87(1) C cannot be granted. This authority in its earlier sitting granted temporary permit U/S 104 of MV Act to operate on the above route. In this case, total route length is 25 kms and the proposed route lies on Trivandrum-Kannur notified route published vide GO(P) No.42/2009/Tran dtd 14/07/2009 .The portion of the proposed route from Edappally to Naval Airport Jn which is 14 kms in length objectionably overlapping on above notified route.Vide Judgment in WA No.1943 of 2012 and 1957 of 2012 dtd 23/08/2013 the Honøble High Court has ordered on the basis of judgment of Honøble Supreme Court in U.P State Roadways Transport Corpn.ø case (Supra) that the private stage carriage operator have no right to claim any grant of stage carriage ,temporary permits on the notified route or portions thereof. It has also ordered that once a scheme is in force and the overlapping is permitted only to a certain extent,it is not possible to grant temporary permits based on the proviso to section 104 and to permit overlapping beyond the terms of the scheme notified by the government. It is also specified by the Honøble Court that the benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such routes.. Hence no temporary permit U/S 104 of MV Act cannot be granted on the proposed route violating the above judgments and scheme of nationalization. Hence rejected.

Item No.67

1.Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant .This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-05-Y-2181 to operate on the route Ramamangalam-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha as per notification No.65598/TA4/60/PW dtd 28/08/1961.Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.68

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-39-C-786 to operate on the route Thalayolapparambu-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha as per notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.69

Heard. The learned counsel appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-40-335 to operate on the route Thalayolapparambu- Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.70

1.Perused the judgment of Honøble High Court of Kerala in WP(c) No.9107/2013 dtd 02/04/2013.

2.Heard. The learned counsel appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-36-4197 to operate on the route Thalayolapparambu- Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961.Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.71

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-07-AQ-2977 to operate on the route Sramillikkavu- Nilampathinjamugal via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961.Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.72

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-07-AT-3816 to operate on the route Piravom-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.73

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-05-P-3097 to operate on the route Ooramana-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.74

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-17-B-5665 to operate on the route Nechoorkadavu-Kaloor Bus Stand via Thiruvankulam and Tripunithura. The applicant has been

operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.75

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-39-E-9786 to operate on the route Thalayolaparambu-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.76

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for temporary permit for 4 months U/S 87(1) C to operate on the route Aluva-Fortkochi in place of KL-41-B-6695 of which regular permit is kept under suspended animation as per the judgment of Honøble STAT in MVARP No.7/2013. The regular permit is valid up to 15/032016. There is a necessity U/S 87(1) C to grant a temporary permit on the proposed route with the timings of KL-41-B-6695. Hence temporary permit U/S 87(1) C granted on public interest for a duration of 4 months or till the route bus resumes service whichever is earlier.

Item No.77

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-17-F-5159 to operate on the route Koothattukulam-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.78

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-17-E-9604 to operate on the route Koothattukulam-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.79

Heard. The learned counsel appeared for the applicant This is an application for temporary permit for a period of 4 months U/S 104 of MV Act in respect of stage carriage KL-40-A-9466 to operate on the route Thalayolapparambu-Kaloor via Thiruvankulam and Tripunithura. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under the proviso to section 104 of MV Act.

Perused the judgment in W.A 1943/2013 and 1957/2012 which prohibit the grant of permits whether temporary permit or regular permit so as to overlap offending the provisions of scheme. The route in question admittedly connecting and passing through two intermediate points via Thiruvankulam and Tripunithura of the notified route Ernakulam-Muvattupuzha published vide notification No.65598/TA4/60/PW dtd 28/08/1961. Therefore the application cannot be granted.

In view of the fact that the applicant has been operating in the applied route since a long time, he is given an option to propose modification of route so as to avoid objectionable overlapping and other legal impediments, if he so desires. In case suitable modification of route proposed by the applicant, the Secretary RTA may after necessary enquiry grant temporary permit for 4 months.

Item No.80

Heard. This is the request of the Secretary, RTA, Kottayam for concurrence for the renewal of the regular permit in respect of stage carriage KL-36-A-5949 operating on the route Kottayam-Kakkanad as LSOS. The enquiry officer has reported that 22.8 kms of the route comes under the jurisdiction of this authority. The portion of the route from Poothotta to Karingachira which is 14.4 kms in length objectionably overlapping on Ernakulam-Thekkady notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.81

Heard. This is the request of the Secretary, RTA, Idukki for concurrence for the renewal of the regular permit in respect of stage carriage KL-44-A-3949 operating on the route Bisonvalley-Ernakulam as LSOS. The enquiry officer has reported that 23 kms of the route comes under the jurisdiction of this authority. The portion of the route from Palarivattom to Ernakulam South which is 6 kms in length objectionably overlapping on Ernakulam-Thrissur, Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.82

Heard. This is the request of the Secretary, RTA, Idukki for concurrence for the renewal of the regular permit in respect of stage carriage KL-44-7099 operating on the route Koviloor-Ernakulam as Fast Passenger service. The enquiry officer has reported that 27 kms of the route comes under the jurisdiction of this authority. The portion of the route from Kalamassery to Ernakulam South which is 12 kms in length objectionably overlapping on Ernakulam-Thrissur, Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Trans dtd 14/07/2009. As per GO(P) No.72/2013 & 73/2013 dtd 16/07/2013, the operation of stage carriage service as Fast passenger is exclusively reserved for State Transport Undertaking. But vide interim orders in WP(c) No.18813/2013 and WP(c) No.18959/2013 the Hon'ble High Court of Kerala has ordered that the status quo shall be maintained in respect of stage carriage permits which were issued before the date of notification. Hence Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 and judgment in WP(c) No.18813/2013 and WP(c) No.18959/2013 the Hon'ble High Court of Kerala without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.83

Heard. This is the request of the Secretary, RTA, Alappuzha for concurrence for the renewal of the regular permit in respect of stage carriage KL-04-Q-9559 operating on the route Cherthala-Ernakulam(Kaloor) Ordinary Service. The enquiry officer has reported that 14.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Vyttila to Kadavanthara which is 2.5 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.84

Heard. This is the request of the Secretary, RTA, Alappuzha for concurrence for the grant of fresh regular permit in respect of suitable stage carriage to operate on the route Cherthala-Tripunithura Ordinary Service. The enquiry officer has reported that 18.6 kms of the route comes under the jurisdiction of this authority. The portion of the route from Vyttila to Boys H.S which is 5 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the grant of fresh regular permit granted subject to notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.85

Heard. This is the request of the Secretary, RTA, Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-45-A-8161 operating on the route Vypin-Palakkad as LSOS. The enquiry officer has reported that 31 kms

of the route comes under the jurisdiction of this authority. The portion of the route objectionably overlapping on Aluva-Kuriappilly and Aluva-Chathanad notified scheme. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No. 86

Heard. This is the belated application for renewal of City permit in respect of Auto rickshaw KL-17-D-7045 along with the request for condonation of the delay..This authority satisfied with the explanation offered by the registered owner.Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to prescribed compounding fee for the permitless operation.

Item No. 87

Heard. This is the belated application for renewal of City permit in respect of Auto rickshaw KL-07-BK-1957 along with the request for condonation of the delay.This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to prescribed compounding fee for the permitless operation.

Item No. 88

Perused the letter No.C2/11044/TC/2013 of the Transport Commissioner, Kerala. In compliance of GO(P) No.38/2013/Tran dtd 30/04/2013,the transport Commissioner has issued a direction restricting the movement of bullet trucks transporting bulk load of LPG during peak traffic hours from 8am to 11 am and from 4.00pm to 6.00pm in corporation and Municipal limits. It has also instructed all Regional Transport Authority to implement local time restriction for transporting dangerous or hazardous goods according to local requirements for ensuring road safety, free flow of traffic and movement of vehicles. This authority considered the matter in detail. In compliance of the Government order and direction of the Transport Commissioner this authority is decided to restrict the movement of bullet trucks transporting bulk load of LPG and other dangerous or hazardous goods during peak traffic hours from 8.00 am to 11 am and from 4.00pm to 6.00pm on roads under the jurisdiction of this authority. Secretary, RTA is directed to ensure the strict compliance of the above direction.

Item No. 89

1.Perused the judgment of Honøble High Court of Kerala in WP(c) No.25036/2011 dtd 21/08/2013 where in the Honøble Court has quashed the earlier decision taken by this authority dtd 06/08/2011and directed to take a fresh decision on the matter relating to parking place for autorickshaws at Arayankavu after hearing the affected parties.

In compliance of the judgment of Honøble High Court of Kerala in WP(c) No.25036/2011heard all affected parties in this case including petitioners, respondents. The respondents 5 to 8 are strongly objected the parking of autorickshaws in front of their shops in such a way obstructing the entry of

customers in to their shops. The petitioners have intimated to submit their suggestion in this regard within 3 days. But they have not submitted their suggestion.

The Amballoor Gramapanchyath has submitted a new proposal in this regard. As per the proposal, they have provided space at Arayankavu from south of Gopuram up to bus stop and from South of Vayanasala for parking autorickshaws without obstructing the entry of customers in to the shops. They have also provided an additional space for parking of 8 autorickshaws in front of the Market. Hence the proposal of the Amballoor Grama panchayath is approved subject to the compliance of judgment of Honøble High Court of Kerala in WP(c) Nos.18168,18260,19452,33149,34951 of 2011 and 1515,4072 of 2012 dtd 08/04/2013. The concerned Panchayath authority shall provide sufficient space for parking of autorickshaws subject to the above judgments.

Item No. 90

Ratified all decisions taken by the Secretary, RTA

Item No. 91

Nil

Item No. 92

Date for the next meeting.....

Supplementary Item No. 01

1. Perused the judgment of Honøble High Court of Kerala in WP(c) No.24580/2011 wherein, the Honøble Court has directed this authority to consider the modified application for fresh regular permit and temporary permit filed by the petitioner within a time limit.

2. Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for fresh regular permit and temporary permit in respect of a suitable vehicle to operate on the route Mala-North Parur-Cheranellloor(Manjummel Kavala). This authority in its earlier sitting dtd 26/03/2010 vide item No.6 granted regular permit on the above route in compliance of judgment of Honøble STAT in MVAA No.350/2009 subject to settlement of timings. Against the decision of this authority, the Secretary, KSRTC employees association, Mala Unit has filed a writ petition 20909/2011 before the Honøble High Court of Kerala and obtained a stay for further proceedings in the matter since the route on which the regular permit granted is objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. On 12/08/2011, the applicant filed another writ petition 24580/2011 before the Honøble High Court of Kerala by claiming that he has filed a modified application for fresh regular permit and temporary permit on another route. Vide judgment in WP(c) No.24580/2011, the Honøble High Court had directed RTA to consider the modified application for fresh permit within a period of 4 months and directed to issue temporary permit for 20 days duration on and when applied for by

the having regard to the fact that on the very same route but through different line of travel, the petitioner was found eligible for a grant of a regular permit.

But the petitioner had filed another application for fresh permit on the same route without any modification in the previous one. This authority in its sitting dtd 04/04/2012 considered the application for temporary permit and directed secretary, RTA to comply the judgment regarding the application for temporary permit. But decision on regular permit was not taken. Now the applicant has requested to consider the application for fresh permit. This authority considered the application in view of present notification and judgments of the Honorable High Court of Kerala in connected cases. The proposed route Mala-North Parur-Cheranelloor having length of 33.5 kms in which 7 kms lies under the jurisdiction of RTA, Thrissur. The portion of the route from Vedimara to KMK Jn which is 3 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme.

This authority in its sitting dtd 26/03/2010 granted fresh regular permit on the same route in favour of the applicant in compliance of the Judgment of Honorable STAT in MVAA No.350/2009. Vide judgment in WP(C) No.20909/2011 dtd 16/07/2013, the Honorable High Court of Kerala has set aside the Judgment of Honorable STAT in MVAA No.350/2009 and quashed order of RTA, Ernakulam granting regular permit on the route Mala-North Parur-Cheranelloor on the ground the appellate authority had no jurisdiction to pass any order for granting permit on a notified route exclusively reserved for the STU. Hence this authority is prevented from the grant of a permit on a notified route violating the scheme of nationalization. In this circumstances the application for regular permit on the proposed route is not maintainable. Hence rejected.

Supplementary Item No. 02

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-1026 operating on the route Poothotta-Kakkanad-CSEZ. The permit holder is desired to vary the permit so as to operate all trips between Poothotta and Kaloor by curtailing one trip to Kakkanad and by extending the service from High Court to Kaloor. This authority considered the application in detail. The proposed variation includes extension and curtailment. The enquiry officer has reported that the curtailment of existing trips to Kakkanad will adversely affect the travelling public and students. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of trip to Kakkanad. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trip to Kakkanad cannot be allowed. This authority feels that there is no necessity under Rule 145(6) of KMV Rules warranting for the grant of proposed extension to Kaloor. Hence rejected.

Supplementary Item No. 03

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-S-5795 operating on the route Adivaram-Angamaly with one trip to Elavoor and one trip to Parappuram. The permit holder is desired to vary the permit so as to operate 4th trip from Angamaly to Adivaram via Malayattor Palli Angady and operating 7th trip from Kalady up to Vallam Ferry by extending the service from Parappuram which is 1.2 kms in length. He is also desired to operate service of 4th trip up to Mulamkuzhy by extending the service from Adivaram which is 7 kms in length and to deviate service of three trips.. This authority considered the application in detail. The proposed variation includes extension and deviation. The enquiry officer has reported that the proposed extension to Mulamkuzhy and Vallom Ferry is beneficial to the travelling public. He has also reported that deviation of two trips via Sebiyoor Colony are beneficial to the travelling public of that ill served areas. But the proposed deviation via Palli Angady in the last trip avoiding trip through Sebiyoor colony, an ill served area will adversely affect the travelling public. It cannot be allowed. There is no overlapping in the proposed variation. Hence proposed variation except deviation in the last trip granted subject to settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA,Tvm

Supplementary Item No. 04

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BC-5859 operating on the route Poothotta-Kakkanad. The permit holder is desired to vary the permit so as to operate two trips between Poothotta and Kaloor and to operate 7th trip from Kakkanadu to Vyttila Bypass. This authority in its earlier sitting considered the application and adjourned decision with direction to secretary, RTA to ascertain whether the curtailment of trips to Kakkanad adversely affect existing travelling public. This authority reconsidered the application in detail on the basis of enquiry report furnished by the field officer. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the curtailment of existing trips to kakkanad will adversely affect the travelling public and students. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of trip to Kakkanad. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trip to Kakkanad cannot be allowed.

The enquiry officer has reported that the proposed deviation of 7th trip through Bypass is helpful to the travelling public and it will reduce the traffic congestion within the city. The deviated route not overlapping on notified route. Hence proposed deviation via Bypass granted subject to the settlement of timings in compliance of the Order No.D3/875/STA/2005 dtd 08/11/2011 of the STA,Tvm

Supplementary Item No. 05

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BS-7623 operating on the route Fort Kochi-Cheranellloor. The permit holder is desired to

change the starting and halting place to Cheranelloor instead of Fort Kochi and proposed an additional trip to Mundamveli in the morning by curtailing one trip between FortKochi and Thoppumpady and betweenCheranelloor and FortKochi .This authority considered the application in detail.The proposed variation includes curtailment,deviation and additional trip. The enquiry officer has reported that the curtailment of service from Fort Kochi to Thoppumpady in the 1st trip and the curtailment for night trip from Cheranelloor to FortKochi are adversely affect travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of existing trips especially the night trip. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence the curtailment of existing trips cannot be allowed. By the proposed variation the permit holder is desired to change the starting and halting places. It also cannot allowable. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence rejected.

Supplementary Item No. 06

Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BE-7733 operating on the route Kadamakkudy-Varapuzha-Aluva.This authority considered the application in detail.By the proposed variation,the permit holder is desired to change the starting and halting place to Chirayam instead of Koonammavu and terminate last trip at Chirayam at 8.06Pm instead of 9.13pm at Koonammavu by curtailing last trip to Aluva and then to Koonammavu.The enquiry officer has reported that the curtailment of night trip to Aluva and return trip to Koonammavu will adversely affect the conveyance facility of travelling public during night time. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment of existing trips at night. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence the curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.Hence rejected.

Supplementary Item No. 07

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-36-99 operating on the route Kaippuzhamuttu-Ernakulam Kaloor Bus stand.The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act.This authority considered the application in detail.The route having length of 51.1 kms and portion of the route lies under the jurisdiction of the RTA,Kottayam. RTA,Kottayam granted concurrence for renewal of permit. The route objectionably overlapping on Ernakulam-Thekkady notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 .This permit was

issued before 09/05/2006. There is a stay for clause(4) of the above said notification . Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009

Supplementary Item No. 08

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Supplementary Item No. 09

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Supplementary Item No. 10

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Supplementary Item No. 11

Heard.This is the request of the Secretary, RTA, Kottayam for concurrence for the renewal of regular permit in respect of stage carriage KL-36-8118 operating on the route Kottayam-Ernakulam as LSOS. The enquiry officer has reported that 30.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Puthenkavu to Kaloor which is 24.3 kms in length objectionably overlapping on Ernakulam-Thekkady,Trivandrum-Palakkad and Trivandrum-Kannaur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. The permit was issued prior to 09/05/2006.Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Supplementary Item No. 12

Heard.This is the request of the Secretary, RTA, Kottayam for concurrence for the renewal of regular permit in respect of stage carriage KL-36-B-2426 operating on the route Kottayam-Ernakulam as LSOS. The enquiry officer has reported that 30.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Puthenkavu to Kaloor which is 24.3 kms in length objectionably overlapping on Ernakulam-Thekkady,Trivandrum-Palakkad and Trivandrum-Kannaur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. The permit was issued prior to 09/05/2006.Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Supplementary Item No. 13

Heard.This is the request of the Secretary, RTA, Thrissur for concurrence for renewal of regular permit in respect of stage carriage KL-07-AV-8300 operating on the route Guruvayoor-Ernakulam as LSOS. The enquiry officer has reported that 40 kms of the route comes under the jurisdiction of this authority. The portion of the

route from Moothakunnam to Thekkenaluvazhy which is 7.6 kms in length objectionably overlapping on Aluva-Kuriappilly and Aluva-Chathanad complete exclusion scheme and the portion from Edappally to Ernakulam South is objectionably overlapping on Trivandrum-Palakkad ,Trivandrum-Kannur and Ernakulam-Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. The permit was issued prior to 09/05/2006.Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Supplementary Item No. 14

Perused the judgment of Honøble High Court of Kerala in W.A No.1943 of 2012 and 1957 of 2012 dtd 23/08/2013,wherein the Division Bench has pointed out that on the basis of judgment of Honøble Supreme Court in U.P State Roadways Transport Corpn.ø case (Supra) that the private stage carriage operators have no right to claim any grant of stage carriage ,temporary permits on the notified route or portions thereof.It has ordered that once the scheme is in force and the overlapping is permitted only to a certain extent,it is not possible to grant temporary permits based on the proviso to section 104 of MV Act. The benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such route.The proviso to section 104 cannot have any independent application and it is subject to the scheme framed by the government in respect of nationalized routes.As per above order of Honøble High Court,this authority is prevented from grant of temporary permit under proviso to section 104 of MV Act on any notified route or portion thereof.In view of above judgment this authority is decided not to issue further temporary permits under proviso to section 104 of MV Act on the concerned route. Secretary RTA is directed not to issue any further temporary permit under proviso to 104 of MV Act to operate on notified routes or potions thereof .

Supplementary Item No. 15

Perused the direction of the State Transport Authority in connection with the settlement of timings in respect of stage carriages in accordance with the width of the road and vehicle population etc.

This authority considered the matter in detail in view of the present condition of the roads in Ernakulam district. In the case of Ernakulam district concerned, Out of 1200 numbers of valid regular stage carriage permit, nearly 630 numbers are belongs to ordinary city permit and all are operating service time schedule with a rate of running time 3 min/kms as specified in the order of the STA. But these city services are covering municipality and Panchayath areas for a small extent as allowed by the law. These areas are also thickly populated and experiencing heavy traffic congestion.By the new order of STA,the rate of running time prescribed in such area depending on the width of the road, the above rate of running time will reduce to 2.5 mt/km and 2.25min/km and 2.00 min/km and which are not sufficient to operate service in the heavily densest and traffic congested roads of Ernakulam city and nearest areas. The settlement of timings in respect of such route in accordance with the width of the roads is against the road safety aspects especially in the case of heavily traffic experiencing roads in Ernakulam district. Operation of stage carriages with new rate of running will lead to the increase in road accidents. In view of this authority,there is no need to revise existing rate of running time in respect of city services without considering the width of the road portions within the panchayath or municipal limit.

In addition to the above certain routes (Aluva-Tripunithura, Ernakulam-North Parur etc) under the jurisdiction of this authority on which mofussil stage carriage permits were issued are thickly populated and stage carriages are operating without sufficient time gap. These stage carriages are allowed to operate service with a rate of running time of 2.5 min/km. In the case of Aluva-Tripunithura sector, portion of the route which is approximately 3 kms lies under Municipal limit. If new rate of running time as specified in the order of STA, the rate of running time will reduce to 2.25 min/km and 2.00 min/km. This authority feels that the settlement of timings in respect of such route in accordance with the width of the roads is also against the road safety aspects and public interest. Hence in view of this authority, there is no need to revise existing rate of running time in respect of such heavy traffic experiencing route like Aluva-Tripunithura and Ernakulam-North parur etc in Ernakulam district. Hence Secretary RTA is directed to intimate the matter to STA.

Supplementary Item No. 16

Heard and Perused the complaint filed by Mr. Manikantan, Ooradi Kamalabhavanam, Kuzhuppilly, Ayyampilly regarding the curtailment of night services in respect stage carriages including KSRTC on the routes Njarakkal-Cherai-Paravoor, Vypin-Pallippuram and Cherai-Njarackal. Secretary RTA is directed to conduct enquiry on complaint and take urgent action U/S 86(5) of MV Act against such stage carriages curtailing trips violating permit condition.

Supplementary Item No. 17

This Authority considered the matter in detail. Due to the ongoing works in connection with Kochi Metro Rail Project, there experiencing heavily traffic congestion on roads of Kochi city during day time. This authority feels that the movement of container carriers during day time is a main factor of enhancement of such situations. The Chairman, Cochin Port Trust has suggested that the usage of inland water ways for the transportation of cargo carrying containers from transshipment terminal at Vallarpadam can reduce the traffic congestion experiencing in the various parts of the Kochi city to an extent. This authority feels that a restriction in the movement of containers in certain portion of Kochi city during the day time can reduce the heavy traffic congestion in Kochi city and thereby reduction in road accidents. Hence this authority is decided to prevent the movement of container carriers from Kundannoor to Edappally Jn during day time from 7.00am to 7.00pm up to 31/12/2013 on a trial basis to avoid heavy traffic congestion in Kochi city.

Supplementary Item No. 18

Heard. This is a request for the grant of Auto rickshaw city permit filed by Mr. T.P. Radhakrishnan, Aiswarya Nivas, Chottanikkara who is not a permanent resident within Kochi Corporation. The applicant stated that he was a resident of Kochi Corporation and he was forced to shift his residence consequent to the eviction of land for development. He was not a holder of city permit during that period. As per the condition to obtain a city auto rickshaw permit, the applicant shall be a permanent resident of Cochin Corporation. In this case, at present the applicant is not a permanent resident of Corporation of Kochi. There is a petition under consideration of Hon'ble High Court of Kerala in similar cases. Hence the decision on this matter is adjourned. Secretary RTA is directed to do the needful on this

matter subject to the judgment of Honøble High Court in similar issues pending with the Court.

Supplementary Item No. 19

Heard. This is the belated application for renewal of City permit in respect of Auto rickshaw KL-07-AH-6375 along with the request for condonation of the delay. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to prescribed compounding fee for the permitless operation.

Sri. Sheik Pareeth, I.A.S

District Collector

&

Chairman, RTA, Ernakulam

Sri. Satish Bino, I.P.S

District Police Chief (Rural)

&

Member, RTA, Ernakulam

Sri. P.A. Sainudeen

Deputy Transport Commissioner

&

Member, RTA, Ernakulam



B J Antony
Secretary RTA