Decisions of the RTA meeting held on 07/02/2013

1] Heard; This is an application for the grant of regular permit in respect of stage carriage KL 15 6393 on the route Poothamkutty - Angamaly - Thripunithura by the STU. Regular permit granted with the proposed time.

2] Heard; This is an application for the grant of regular permit in respect of stage carriage KL 15 6380 on the route Poothamkutty - Angamaly - Thripunithura by the STU. Regular permit granted with the proposed time.

3] [a] Perused the Judgement of the Hon'ble STAT in MVAA No:108/2010

[b] Heard & reconsidered; Learned counsel Adv Deepak appeared for the applicant. This is an application for the grant of regular permit on the route Vattaparambu – Kanakkankadavu via Puliyanam, Elavoor Kavala, Angamaly, Maikad, Athani, Changamanad, and Kurumassery in the vacant timings of S/C KL 7/AN 1431 The RTA held on 21/06/2008 vide item no 1 has considered the regular permit application and adjourned for giving opportunity to the applicant to modify the application by avoiding overlap on notified route and by providing vehicle with a wheel base less than 510 cm. The RTA held on 12/06/2009 vide item No 21 again considered the matter and adjourned in the light of judgment of honble STAT in MVAA No 199/2009 dated 06/05/2009. Now the applicant produced the order of the Hon'ble STAT in MVAA No: 108/2010. In this order the tribunal observed that the application for permit was made on 21/08/2007. The objectionable scheme came into force only on 14/07/2009. The delay in granting the permit was not attributed any lack on the part of the appellant. Hence in compliance to the Judgment of the Hon'ble STAT in MVAA No:108/2010, regular permit granted subject to settlement of time.

4] Heard; The applicant appeared. This is an application for the grant of fresh regular permit in respect of stage carriage KL 39 E 4568 owned by the applicant on the route Piravam- Edakkattuvayal- Arayankavu Via Kanjiramattom, Amballoor, Chethikode, Vattapara, Kottapuram, Peppathy, Arakunnam, Mulamthuruthy (Circular) Parathakode. There is no overlapping on notified route reported. Hence regular permit granted subject to settlement of time.

5] [a] Perused the Judgement of the Hon'ble STAT in MVAA No:192/2012

[b] Heard & reconsidered; Learned counsel Adv Deepak appeared for the applicant. This is an application for the grant of regular permit (suitable vehicle seating capacity not less than 28 in all) on the route South Vazhakulam – Aluva- Kalady via Choondy, Marampilly, Thiruvairanikulam and Kanjoor. The RTA held on 07/05/2011 vide item number 18 heard the matter and rejected, since the proposed route overlaps 2.5 km on

the notified route which exceeds the permissible limit. This violates GO (P) No 42/Trans/2009 dated 14/07/2009. Now the honourable STAT Ernakulam allowed the revision petitions in MVARP No 192/2012. The impugned order set aside and ordered to the 1st respondent (RTA Ernakulam) to grant regular permit to the petitioner and 2nd respondent (secretary RTA Ernakulam) shall settle timings in accordance with the provisions of the Act and rules and after hearing all the interested parties within a period of two months. Hence in compliance to the Judgment of the Hon'ble STAT in MVAA No:256/2012, regular permit granted subject to settlement of time.

6] [a] Perused the Judgement of the Hon'ble STAT in MVAA No:191/2012

[b] Heard & reconsidered; Learned counsel Adv Deepak appeared for the applicant. This is an application for the grant of regular permit (suitable vehicle seating capacity not less than 28 in all) on the Aluva- Kalady via Choondy, GTN, Vazhakulam South, Manampilly , Thiruvairanikulam, Kanjoor. The RTA held on 07/05/2011 heard the matter and rejected, since the proposed route overlaps 2.5 km on the notified route which exceeds the permissible limit. This violates GO (P) No 42/Trans/2009 dated 14/07/2009. Now the honourable STAT Ernakulam allowed the revision petitions in MVARP No 191/2012. The impugned order set aside and ordered to the 1st respondent (RTA Ernakulam) to grant regular permit to the petitioner and 2nd respondent (secretary RTA Ernakulam) shall settle timings in accordance with the provisions of the Act and rules and after hearing all the interested parties within a period of two months. Hence in compliance to the Judgment of the Hon'ble STAT in MVAA No:191/2012, regular permit granted subject to settlement of time.

[7] Heard; Learned counsel Adv Deepak appeared for the applicant. This is an application for the grant of regular permit in respect of stage carriage (suitable vehicle with seating capacity not less than 28 in all) on the route Ernakulam High Court-Chully Via Kalamukku, Cherai Jn, vedimara, Chengamanad, Athani Jn, maikkad church jn, Mekad, Telk Jn, Angamaly KSRTC Jn, Thuravoor, Chandrapura. Report furnished related with overlapping of nationalised route is not specific. Secretary is directed to report the overlapping in nationalisation and details of notification specific. Hence, Adjourned.

[8] Heard; This is the request of Secretary RTA Malappuram for the renewal of permit concurrence in respect of KL 10 AE 5140 on the route Ernakulam – Kozhikodu as

LSOL. Ernakulam South to Edappally 8 kms lies in the scheme TVM –Palakkad and TVM- Cannoor. Thekkenaluvazhi to North parur 1.5 km lies in Aluva- Chathanad Scheme North Parur – Moothakunnam bridge 6kms lies in Aluva – kuriapilly Scheme. But this is a permit renewal concurrence. Hence granted subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

9] [a] Perused the Judgement of the Hon'ble High Court of Kerala in WP (C) No 11323 of 2012.

(b) Heard; The portion from Palarivattom to Edappally sig jn [9km] and Paravoor to Moothakunnam (6.5 km) overlaps on the notified route Trivandrum – Palakkad, Trivandrum – Cannur , Aluva- Kuriapilly and Aluva- Chathanad schemes. But this is a permit renewal concurrence. Hence granted in the light of judgement of honourable High Court of Kerala subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

10] Heard; The portion from Palarivattom to Ernakulam South [6.5km] overlaps on notified route in Ernakulam- Thrissur, TVM- Palakkad and TVM- Kannur scheme. But this is a permit renewal concurrence. Hence granted subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

11] Heard; Learned counsel appeared for the applicant. The portion from Palarivattom to Ernakulam South [6.5km] overlaps on notified route in Ernakulam- Thrissur, TVM- Palakkad and TVM- Kannur scheme. But this is a permit renewal concurrence. Hence granted subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

12] Heard; The portion from Palarivattom to Ernakulam South [6.5km] overlaps on notified route in Ernakulam- Thrissur, TVM- Palakkad and TVM- Kannur scheme. But this is a permit renewal concurrence. Hence granted subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

13] [a] Perused the Judgement of the Hon'ble STAT in MVARP No 433/2012 and 437/2012.

(b) Heard; The portion from Moothakunnam to Neerpara [67km] lies in Ernakulam district. The route portion from Moothakunnam to N Parur [5km] Parur to Thekkenaluvazhy [1.5 km] Edappally to Puthenkavu [31km] overlaps on Aluva –

Kuriappally, Aluva – Chathanad, Trivandrum – Kannur & Ernakulam - Thekkady schemes respectively. But this is a permit renewal concurrence. Hence granted in the light of judgement of honourable STAT subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

14] Heard; Learned counsel appeared for the applicant. As per the Judgement of the Hon'ble High Court of Kerala in W A No:444/2007 in WP[C] No: 32571/2006, directed Secretary RTA to issue permit to the vehicle if there is need. Hence reissue of TP granted for 4 months the route Poothotta- Aluva U/S 87 (1) (C).

15] Heard; Learned counsel Adv Stalin Peter Davis appeared for the applicant. The T P is issued continuously by RTA U/S 104 of MV Act for stage carriage KL 07 BB 9809 from long back years. Eventhough KSRTC has filed objection, they have not applied or obtained permit on this route. Considering the convenience and facility of travelling public, reissue of T P granted on the route Kalluchira- Eloor Depot in the vacant timings of S/C KL 07 K 4753 U/S 104 for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

16] Heard; Learned counsel Adv Deepak appeared for the applicant. The T P is issued continuously by RTA U/S 104 of MV Act for stage carriage KL 17/D 9417 from long back years. Eventhough KSRTC has filed objection, they have not applied or obtained permit on this route. Considering the convenience and facility of travelling public, reissue of T P granted on the route Pallissery- Perumbavoor in the vacant timings of S/C KL 08 K 7025 for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

17] Heard; Learned counsel Adv Stalin Peter Davis appeared for the applicant. This is an application for the grant of fresh regular permit in respect of stage carriage KL 4/R 1413 (or suitable vehicle) owned by the applicant on the route Uliyannoor – Kalamassery – Aluva – Thadikkakadavu via Kayantikara, Pathalam, Kadungallur, U C College & Veliyathunadu. There is objectionable overlapping on notified route [1] Aluva KSRTC To N H [850 mtrs] Aluva – Ankamaly scheme [2] Aluva KSRTC To Pump Jn [500 mtrs] Aluva – Kattappana scheme [3] Aluva Bye pass to Uliyannoor road entrance [500 mtrs] [4] Aluva Bye pass to Thottakattukara [400 mtrs] Ernakulam – Palakkad scheme [5]Crossing at U C College Jn [Aluva – Vadakkumpuram scheme]. Total objectionable overlapping is 2.25 kms, it exceed the permissible limit. Hence Rejected.

18] Heard; Learned counsel Adv G Prabhakaran appeared for the applicant. This is an inter district permit. Portion of the route lies under the Jurisdiction of RTA Kottayam.

Secretary RTA is directed to call for the concurrence of RTA Kottayam. Hence, Adjourned.

19] Heard; Learned counsel Adv G Prabhakaran appeared for the applicant. [a] Delay condoned [b]This is an application for the renewal of permit in respect of stage carriage KL 07 AF 2430 on the route Poothotta- Kakkanad. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

20] Heard; Learned counsel Adv G Prabhakaran appeared for the applicant. [a] Delay condoned [b]This is an application for the renewal of permit in respect of stage carriage KL 07 AL 617 on the route Olive Mount - Ayyampuzha. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

21] Herad; Learned counsel Adv Stalin Peter Davis appeared for the applicant. This is the application for the renewal of permit in respect of stage carriage KL 08 L 687 on the inter district route Chottanikkara- Thrissur as LSOS total route length is 100kms. Concurrence for renewal of permit received from RTA Thrissur subject to the Notification No:42/2009 dated 14/07/2009 & draft Notification No:5631/B2/2009/Trans dated 02/08/2012. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

22] Herad; Learned counsel Adv G Prabhakaran appeared for the applicant. This is the application for the renewal of permit in respect of stage carriage KL 47/3600 on the inter district route Kumbalam- Guruvayoor as LSOS total route length 95 kms. Concurrence for renewal of permit received from RTA Thrissur subject to the Notification No:42/2009 dated 14/07/2009 & draft Notification No:5631/B2/2009/Trans dated 02/08/2012. The permit is originally issued prior to 09/05/2006. The production of NOC from the financer is a pre condition for renewal of permit. As there is no NOC from the financer Hence Adjourned.

23] Heard; Learned counsel Adv. Gopinathan appeared for the applicant. This is an application for the renewal of permit in respect of stage carriage KL 07 AR 3694 on the route Chathanad- Ernakulam (Kaloor bus stand). The permit is originally issued after 09/05/2006. But the Hon'ble High Court of Kerala in WP[C] No:20520/09, 22196/09 has stayed clause 4 of the Notification No:42/Trans/09 dated 14/07/2009. Hence renewal of permit granted subject to the above Writ petition & Notification No:42/Trans/09 dated 14/07/2009.

24] Herad; Learned counsel Adv. Stalin Peter Davis appeared for the applicant. This is the application for the renewal of permit in respect of stage carriage KL 02 R 7398 on the inter district route Angamaly to Chalakudy total route length is 38 kms. Concurrence for renewal of permit received from RTA Thrissur subject to the Notification No:42/2009 dated 14/07/2009 & draft Notification

No:5631/B2/2009/Trans dated 02/08/2012. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

25] Herad; Learned counsel Adv. G Prabhakaran appeared for the applicant. This is the application for the renewal of permit in respect of stage carriage KL 08 T 6999 on the inter district route Mala-Kodakara- Angamaly- Perumbavoor total route length is 86.8 kms. Concurrence for renewal of permit received from RTA Thrissur subject to the Notification No:42/2009 dated 14/07/2009 & draft Notification No:5631/B2/2009/ Trans dated 02/08/2012. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

26] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This is an application for the renewal of permit in respect of stage carriage KL 05 AK 8707 on the route Koothattukulam- Kaloor total route length is 58.2 kms. The permit is originally issued after 09/05/2006. But the Hon'ble High Court of Kerala in WP[C] No:20520/09, 22196/09 has stayed clause 4 of the Notification No:42/Trans/09 dated 14/07/2009. Hence renewal of permit granted subject to the above Writ petition & Notification No:42/Trans/09 dated 14/07/2009.

27] Herad; Learned counsel Adv. G Prabhakaran appeared for the applicant. This is the application for the renewal of permit in respect of stage carriage KL 41 A 8357 on the inter district route Angamaly- Chalakudy total route length is 32 km. Concurrence for renewal of permit received from RTA Thrissur subject to the Notification No:42/2009 dated 14/07/2009 & draft Notification No:5631/B2/2009/Trans dated 02/08/2012. The permit is originally issued prior to 09/05/2006. Renewal of permit granted.

28] Heard; Learned counsel Adv. Deepak appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BB 1801 subject to clearance of Govt dues if any

29] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 AZ 1616 subject to clearance of Govt dues if any

30] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 43 A 2466 subject to clearance of Govt dues if any

31] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 17 3892 subject to the production of NOC from the financer and clearance of Govt dues if any

32] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 AL 3373 subject to clearance of Govt dues if any

33] Heard; Learned counsel appeared for the applicants. Transfer of permit rejected in respect of S/C KL 07 AY 4229 since the applicants not appeared for personal hearing.

34] Heard; Learned counsel Adv. Deepak appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BB 5054 subject to clearance of Govt dues if any

35] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BB 6057 subject to clearance of Govt dues if any

36] Heard; Applicants appeared. Transfer of permit allowed in respect of S/C KL 07 BF 7477 subject to clearance of Govt dues if any

37] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 17 A 6888 subject to clearance of Govt dues if any

38] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 AQ 5390 subject to clearance of Govt dues if any

39] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 42 B 6381 subject to clearance of Govt dues if any

40] Heard; Applicants appeared. Transfer of permit allowed in respect of S/C KL 07 AN 5859 subject to clearance of Govt dues if any

41] Heard; Applicants appeared. Transfer of permit allowed in respect of S/C KL 07 BE 5155 subject to clearance of Govt dues if any

42] (a) Heard; Learned counsel Adv. Stalin Peter Davis appeared for the applicants, sanction accorded for the grant of transfer of permit in respect of S/C KL 07 BD 7140 revoked. (b) Transfer of permit allowed subject to clearance of Govt dues if any

43] Applicants or representatives are not appeared in respect of S/C KL 07 AP 7711 . Hence adjourned.

44] Heard; Applicants appeared. Transfer of permit allowed in respect of S/C KL 07 BD 8308 subject to clearance of Govt dues if any

45] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BD 9077 subject to clearance of Govt dues if any

46] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BG 9566 subject to clearance of Govt dues if any

47]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 17 A 252 on the route Mulakulam- Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

48] Heard; Applicant appeared. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 07 AQ 2497 on the route Velloor HPC – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

49]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 05 M 3982 on the route Piravom – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

50]Heard; Learned counsel Adv. Gopinathan appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and travelling facility of the public, re issue of T P granted in respect of stage carriage KL 36 A 4100 Thalayolaparambu- Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

51]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P

granted in respect of stage carriage KL 06 B 4032 on the route Koothattukulam-Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

52] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 17 E 2789 on the route Koothattukulam-Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

53]Heard; Learned counsel Adv. Deepak appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 07 AN 6880 on the route Vattappara – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

54]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 07 BA 5593 on the route malavana Ferry – Ernakulam U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

55]Heard; Applicant appeared. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 07 AS 5333 on the route Koothattukulam – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

56]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 40 A 5652 on the route Koothattukulam – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

57]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 06 B 6565 on the route Pattimattom – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

58]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and travelling facility of the public, re issue of T P granted in respect of stage carriage KL 05 K 6376 on the route Thalayolaparambu – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

59]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 17 F 6906 on the route Piravom – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

60]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 05 S 8010 on the route Thalayolaparambu – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

61]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 06 C 8962 on the route Edakkattuvayal – Kalamassry U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

62]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough

KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 07 BT 7947 on the route Kothad Ferry – Thiruvaniyoor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

63]Heard; Applicant appeared. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 17 E 8282 on the route Koothattukulam- Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

64]Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This T P is issued continuously by RTA U/S 104 of MV Act from long back years. Eventhough KSRTC filed objection, they have not applied or obtained permit on this route. Considering the convenience and traveling facility of the public, re issue of T P granted in respect of stage carriage KL 17 E 9097 on the route Vattappara – Kaloor U/S 104 of MV Act for 4 months or till KSRTC apply and obtain permit on the route whichever is earlier.

65] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. The enquiry officer has reported that the proposed variation Pala to Erattupetta lies in the jurisdiction of RTA Kottayam and concurrence may be obtained. Hence, Adjourned.

66] (a) Perused the Judgement of Honourable High Court of Kerala in WPC No 21620/2012.

(b) Heard; Learned counsel Adv. Deepak appeared for the applicant. The proposed variation is to operate through KMP Nagar Fort – Kochi except the first trip and to curtail the sector between Kumbalanghy vazhy to Kumbalanghy and Kallanchery church. The President of Kumbalangy Panchayath submitted a memorandum from the residents of Kumbalangy regarding the difficulties of travelling to Kallancherry without the service of this vehicle. The enquiry officer also reported that curtailment of existing portion consequent to the variation will adversely affect the travelling public residing in the curtailed portion. The particular root is sanctioned considering the special nature of road width and the needs of the people especially Islanders. Type of bus newly introduced is not taken in consideration and in the very purpose of the passengers of Kallencherry, the permit holder is directed to produce suitable S/C in accordance with width of road. Hence variation is rejected.

67] Heard; Learned counsel Adv. Deepak appeared for the applicant. The proposed variation is to operate through Poothotta – High Court Junction instead of Poothotta – Kaloor Bus Stand. The enquiry officer reported that any curtailment in route will adversely affect the travelling public. Hence variation is partially allowed (curtailment from Thripunithura to Poothotta) as requested, curtailment from Kaloor to High Court Junction rejected without any change in timings.

68] (a) Perused the Judgement of Honourable STAT in MVAA No 26/2010 dated 10/12/2012.

(b) Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. The proposed variation is to operate from Panampilly nagar via Menaka and return trips via Padma as at present without any change in timings. The enquiry officer reported that the varied portion from Panampilly nagar jn to Shenoys jn(3km) is overlapping with Ekm-Thekkady and Ekm-Muvattupuzha schemes and from Shenoys jn to Palarivattom(4 km) is overlapping with Ekm-Trissur scheme and the proposal is rejected by the RTA held on 08/09/2009 vide No 96. Now the application is considered in the light of the Judgement of STAT dt 10/12/2012 in MVAA NO 26/2010 dated 10/12/2012 and in obedience to the same variation allowed subject to settlement of time.

69] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. The proposed variation is to be varied as trip at 11.24am intends to operate from Malavana ferry to Highcourt passing Vypin at 12.44pm. The enquiry officer reported that the change in timings from Malavana to North Paravur will alter the relative spacing in time which can create a clash in timings.Further there is no circumstantial need under Rule 145(7) of KMV Rules 1989 to change timings. Hence variation Rejected.

70] Heard; Learned counsel Adv. Gopinathan appeared for the applicant. The proposed variation of permit to change the starting and halting as Mulamthuruthy and the trip at 8.21am from Piravom via Arakkunnam, Edakkattuvayal, Parppakode, Mulamthuruthy, Vezhaparambu, Kandanad, Kureekkad, Puthiyakavu and Tripunithura. The enquiry officer reported that the deviation from existing route will adversely affect the public of that area at the same time it is beneficial to public in new deviation portion and applicant intends to change starting and halting points and entire route timings. Hence it is to be considered as fresh permit application. Change of entire route timings will collapse the entire service of the sector.Hence variation rejected.

71] Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. The proposed variation of permit so as to change the service as Cheranalloor-Cheranalloor by extending the service from Ponekkara (7.4Km) and by deviating the route from Madam Jn to Kaloor via Elamakkara,and Perandoor. There is also curtailment of 4 trip (Trip 5,7,9 &15) from Ernakulam South to Thevara Ferry(6.00Km) which are start from Ponekkara 13th trip from Shanti Nagar to Thevara Ferry which is 1km in length. The enquiry officer reported that the extension portion includes virgin portion and there is no stage carriages are conducting service on that portion and it is beneficial to the public. Numbers of Stage Carriages are conducting service on the curtailed portion from Ernakulam South to Thevara Ferry and the curtailment will not affect the

travelling public much. Hence variation allowed with extension subject to the production of Road Fitness certificate from the competent authority and subject to the settlement of time.

72] Heard; Learned counsel Adv. Stalin Peter Davis appeared for the applicant. The proposed variation by operating 3rd and 7th trip from Pukkattupady via Bye pass instead of Kaloor and Kadavanthra and by operating 5th trip from Kaloor via K K Road instead of Padma**.** The enquiry officer reported the curtailment of trips will adversely affect the travelling public and school going students.But the curtailment portions are well served and so many stage carriages are operating on that portion. He has also reported that the proposed deviation is helpful to travelling public and students of that area. At present in the proposed deviation portion stage carriages are operating with a time gape of 10 minutes. The variation also reduce the traffic in the city. Hence variation Granted subject to the settlement of time.

73] Heard; Learned counsel appeared for the applicant. The matter was placed before the sitting of the RTA,Ernakulam held on 29/11/2012 and RTA adjourned decision for want of hear the complainant Sri.Balamohana Babu. Decision communicated to the complainant with direction to appear in person before the sitting of the RTA, Ernakulam but complainant not appeared in person before the sitting of the RTA. Hence Adjourned. And directed to the Secretary RTA issue copy of complaint to the permit holder and obtain Legal Opinion from Advocate General and place it before the next RTA after issue notices to both the parties.

74] Heard; Learned counsel Adv. Gopinathan appeared for the applicant. This is an inter district permit. Directed to Secretary RTA to seek concurrence from RTA Kottayam. Hence Adjourned

75] **:** (a) Perused the Judgement of Honourable High Court of Kerala in WP (C) No 1689 of 2013 dated 17/01/2013

(b) Heard; Learned counsel Adv. Deepak appeared for the applicant. Reconsidered the application for the grant of regular permit in respect of S/C KL-7/AX 3128 on the route Ernakulam Highcourt Jn – N Paravoor – Kodungalloor via Cherai, Narakkal and Maliankara new bridge in the vacant timings of S/C KL42/8188, the route is later modified as Ernakulam Highcourt Jn– Kodungalloor via Cherai, Narakkal and Maliankara new bridge deviating through Maliankara new bridge and Moothakunnam by avoiding the objectionable portion from N Parur to Kodungalloor which is the adjourned item of RTA dated 12/06/2012 item No:10 and RTA held on 27/09/2012 item No 7.

MVI Kodungalloor reported that the route portion from Kodungalloor Bus Stand to V P Thuruth lies under the jurisdiction of Sub R T Office Kodungalloor and this portion of the route overlap 2.3 km on (Thrissur – Thriprayar circular scheme)

notified route in Kodungalloor Muncipality one way system in Kodungalloor Town (Bus Stand, Vadakkenada, kizhakkenada, Thekkenada, Padinjarenada). Total route length is 43 km permissible over lapping is 5 km or 5 % of total route length which ever is less. In this case 5% of route length is 2.15 km overlapping is 2.3 km hence Rejected.

76] (a) Perused the Judgement of Honourable High Court of Kerala in WP (C) No 15300 of 2007 dated 12/07/2012.

(b) Heared; Learned counsel appeared for the applicant. The application for the grant of regular permit in respect of S/C KL-7/Q 5895 or a suitable vehicle on the route Eramalloor-Cheranelloor via Chandiroor, Aroor, Madavana, Kundanoor, Vyttila, M G Road, Kaloor, Palarivattom, Edappally Railway Station Junction and Manjummal Kavala in the vacant timings of Stage Carriage KL 17 1720 as moffussil service. In the light of the Judgement of Honourable High Court of Kerala in WP (C) No 15300 of 2007 dated 12/07/2012 regular permit granted subject to the settlement of time.

77] Heard. Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 BG 2127 subject to clearance of Govt dues if any.

78] Heard; Applicant appeared. Delay condoned in respect of S/C KL 07 BE 2490. Renewal of permit granted.

79] Heard; The request of Vdakkekara Grama Panchayat to limit the grant of permit to Auto Rickshaws in the Grama Panchayat area. Nobody appeared on behalf of the Vdakkekara Grama Panchayat. Furthermore there is no provision to limit the number of permit in a Grama Panchayat Area, Hence Rejected.

80] Heard; The request of Asst. Commissioner of Police Traffic East Kochi City regarding introducing one way system in Kattakara Road. Provisionally allowed for two months, from the date of communication of decision of RTA. The matter shall be placed before the Authority after obtaining a report of Secretary RTA.

81] Heard; The power delegated to the Secretary RTA to renew regular permit of Stage Carriages granted before 09/05/2006 will continue except those cases in which pending check reports, LAR objections or any other government dues existing.

82] Next meeting

ADDITIONAL AGENDA

Supplementary Item 1

a) Perused the Judgment of Honourable STAT in MVAA No 69/2010 dt 03/10/12.

(b) Heard; Learned counsel appeared for the applicant. Application for the grant of regular permit in respect of S/C (suitable vehicle with seating capacity not less than 28 in all) to operate on the route Kunjithai- Nortth Parur-Kaloor via Munambam Jn, Koonammavu, Varappuzha Bridge, Edappally, and Palarivattom as moffusil service. the proposed route overlaps 5 km from Edappally to Kaloor on the notified route Trivandrum-Kannur vide notification No 12951/Bi/2001/Trans dated 09/05/2007 (GO (P) No 42/Trans/2009 dated 14/07/2009) which exceeds the permissible limit. Hence Rejected.

Supplementary Item 2

(a) Perused the Judgment of Hon. STAT in MVAA No 327/2010.

(b) Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. Application for the grant of regular permit in respect of S/C KL 42 3122 on the route Kottayilkovilakom – Cheranelloor the vacant timings of S/C KL 7 AJ 9685 whose regular permit expired, as mofusil service. The offered S/C KL 42/3122 is not roadworthy now, hence the applicant offered a later model suitable vehicle for operating service on the route. The enquiry officer reported that it is a well served area and there are sufficient stage carriages are operating in this route. Direct to the Secretary RTA to enquire and report specifically whether this route objectionably overlap any Nationalised Scheme and place it before next RTA . Hence Adjourned.

Supplementary Item 3

Heard; Learned counsel appeared for the applicant. Application for the grant of regular permit in respect of S/C KL-06 D 5267 on the route Vypin-Munambam with extension From Kalamukku Jn To Collector'S Square in the vacant timings of S/C KL 07 AM 2353. The enquiry report submitted at the time of first issue of regular permit is not seen in the permit file hence route length and other specifications of routes are not available. Hence Adjourned, and directed to the Secretary to conduct an enquiry about the route and place it next RTA.

Supplementary Item 4

[a] Perused the Judgement of the Hon'ble STAT Ernakulam in MVARP No 458/2012 and 459/2012.

(b) Heard; Learned counsel appeared for the applicant. The stage carriage KL 17 F 6008 has been operating on the route Thekkady – Ernakulam. This is a permit renewal concurrence. Hence granted in the light of judgement of honourable STAT Hence

granted subject to Notification No:42/2009 dated 14/07/2009, draft Notification No:5631/B2/2009/Trans dated 02/08/2012 and WP[C] No:20520/2009, 22196/2009.

Supplementary Item 5

(a) Perused Judgement of STAT dt 26/12/2012 in MVAA No 366/2012 and orders of STAT dt 14/01/2013 in MP No 106/2013 in MVAA No 20/2013 and order of revision of STAT dt 16/01/2013 in MP No 165/2013 in MVAA No 12/2013.

(b) Heard; Learned counsel Adv. Stalin Peter Davis appeared for the applicant. Application for 4 months temporary permit in respect of S/C KL 07 AW 9208 on the route Aluva-Fortkochi Via Kalamassery, Menaka And Thoppumpady in the vacant timings of S/C KL 40 C 1577 [CP No:496]. The total length of the route on application is 37 km. The route objectionably overlapping Aluva to Madhava Pharmacy Jn for a distance 22.6 km Thrissur –Ernakulam Scheme and Ernakulam South Jn to Thoppumpady for a distance of 5 kms Ernakulam-Alappuzha Scheme. The notification number GOP No 42/2009/Trans dated 14/07/2009 prevents RTA from granting permits on notified route for overlapping beyond the 5% or 5 km (which ever is less). Hence Rejected.

Supplementary Item 6

(a) Perused the Judgment of Honourable High Court of Kerala in WP[C]NO.1960/2012 dated 21.01.2013.

(b) Heard. Learned counsel appeared for the applicant. As per Rule 174 (3) KMV Rules maximum permissible material difference is 25 %. But in this case there is a material difference greater than 25% and the incoming vehicle KL 07 AM 2028(registered on 19.03.2003) is older than the outgoing vehicle KL 07 BG 1004(registered on 01.09.2007). The law mandates later model vehicle for replacement for the safety of travelling public. As per Rule 174(2)(b) and 174 (2) (c) of Kerala Motor Vehicle Rules 1989 the application for replacement is rejected.

Supplementary Item 7

The applicant or his representative not appeared before the RTA Board. Hence Adjourned.

Supplementary Item 8

Heard.

Supplementary Item 9

Heard; Learned counsel Adv. G Prabhakaran appeared for the applicant. This is an application for the renewal of permit in respect of stage carriage KL 08 AL 4555 on the route Kurisumudy- Manjikkad. The permit is originally issued after 09/05/2006. But the Hon'ble High Court of Kerala in WP[C] No:20520/09, 22196/09 has stayed clause 4 of the Notification No:42/Trans/09 dated 14/07/2009. Hence renewal of permit granted subject to the above Writ petition & Notification No:42/Trans/09 dated 14/07/2009.

Supplementary Item 10

Heard; Learned counsel Adv. Gopinathan appeared for the applicant. As per Section 82 of MV Act a regular permit only can be transferred. Section 87 (2) of M V Act explains the expression permit of any kind used in Section 80 will not include a temporary permit. As there is no regular permit issued to the first applicant the Transfer of permit application is Rejected.

Supplementary Item 11

Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 AN 2511 subject to clearance of Govt dues if any

Supplementary Item 12

Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 07 AH 6966 subject to clearance of Govt dues if any

Supplementary Item 13

Heard; Learned counsel Adv. G Prabhakaran appeared for the applicants. Transfer of permit allowed in respect of S/C KL 04 N 5088 subject to clearance of Govt dues if any

Sri Sheik Pareeth I A S
District collector &
Chairman RTA Ernakulam

Sri. Sateesh Bino IPS
District Police Chief
Ernakulam (Rural) &
Member RTA Ernakulam

Sri P A Sainudheen
Deputy Transport Commisioner [Law]
Central Zone 11, Ernakulam &
Member RTA Ernakulam

B J Antony
Secretary RTA.