

**Decision of Regional Transport Authority, Kozhikode, Meeting held on
16/02/2016 at Collectorate Conference Hall, Kozhikode.**

PRESENT:

1. SRI.N.PRASANTH, IAS, DISTRICT COLLECTOR AND CHAIRMAN,
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE.
2. SRI. PRATEESH, IPS, SUPERINTENDENT OF POLICE
KOZHIKODE (RURAL) AND MEMBER OF REGIONAL
TRANSPORT AUTHORITY, KOZHIKODE.
3. SRI.B.J.ANTONY, DEPUTY TRANSPORT
COMMISSIONER AND MEMBER OF REGIONAL
TRANSPORT AUTHORITY, KOZHIKODE.

Item No. 1.

Heard. Granted concurrence for renewal of regular stage carriage permit in respect of KL 57 K 8786 as LSOS subject to verification of scheme violation if any by the original authority.

Item No. 2

Heard. As per GO (p) No.73/2013/Trans. Dtd. 16-7-2013 issued as SRO No.555/2013 Government had approved a scheme specifying that Fast Passenger Services, Super Express, Super Deluxe and Luxury services should be run and operated by the State Transport undertaking and excluding the Private stage carriage services by invoking powers conferred by sub section (3) of Section 100 of MV Act 1988. Hence request for concurrence as Super Express rejected since it against the scheme in respect of S/C KL 34 A 7639 and KL 34 B 596.

Item No. 3

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented the applicant Sri.Sanoop for the grant of fresh regular stage carriage permit in respect KL 11 S 2114 to operate on the route Parambil Bazar-Kakkodi-Medical college-Malikadavu.Some of the operators objected that the applied route is in city limit.Objections are over ruled as the same is not so.Hence fresh permit **granted** as applied for subject to settlement of timings.

Item No. 4

Heard, Adv.Sri.P.P.Abdul Latheef the learned counsel represented the applicant Sri.Priyesh.A.K. for the grant of fresh regular stage carriage permit to operate on the route Mukkam-Kozhikode.Perused the judgment in WPC No. 834/2016 Dtd.8-1-2016 of Hon'ble High court of Kerala.Fresh permit **granted** in respect KL 11 P 2563 as applied for subject to settlement of timings.

Item No. 5

Heard, Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.N.Shafeekh for the grant of fresh regular stage carriage permit in respect of KL 11 R 2071 to operate on the route Mudikkal thazham-Kozhikode-Thottumukkam.Perused the judgment in WPC No. 85/2016 dtd. 8-1-2016.Fresh permit **granted** as applied subject to settlement of timing.

Item No. 6

Heard, the counsel represented the applicant Sri.N.P.Ahammed for the grant of fresh regular stage carriage permit to operate on the route Kozhikode-Palayam Bus stand-Areakode.Perused the Judgment in WPC No. 1219/2016 dtd.20-1-2016.Fresh permit **granted** in respect KL 11 S 5949 as applied for subject to settlement of timings.

Item No. 7

Heard, Adv.Sri-Abdul Latheef the learned counsel represented the applicant Sri.N.Alikutty for the grant of fresh regular stage carriage permit to operate on the route Kozhikode Palayam Bus stand-to Oorkadavu via Pottammal-Methottuthazham-Palattukavu Jn-Pantheerankavu-Perumanna-Kottaithazham-and Thazhvaram-touching Medical college for start and Halt via Poovatuparamba and Kuttikattur.KSRTC objected the grant stating that the portion of the route from Palattukavu Jn to Pantheerankavu for a distance of 4.1 kmis in notified route.But there is no valid document to prove that the portion is notified.Hence fresh permit **granted** in respect KL 08 AB 2325 as applied for subject to settlement of timings.

Item No. 8

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.C.Basheer for the grant of fresh regular stage carriage permit in respect KL 11 Q 5674 to operate on the route Ramanattukara-Ferok college-Pantheerankavu- Thondayad- Medicalcollege- Kuttikattur-Puthoormadam- via Adivaram-Azhinjalam.There is an objectionable overlapping from Nisari Junction to Ramanattukara for a distance of 1.6km.This overlapping is beyond the permissible limit of 5% of total route length and violates GOP No.42/2009 trans dtd.14-7-2009. Hence rejected.

Item No. 9

Heard, Adv.Sri.Asokan.T the learned counsel represented the applicant Sri.Shameem.C.K for the grant of fresh regular stage carriage permit in respect KL 11 P 9693 to operate on the route Kozhikode Palayam stand to

Edavannapara via Pottammal-Medical college Hospital-Poovattuparamba-Peruvayal-Kavanakallu bridge-Mundumuzhi -touching Koodathumpara-via Palakavu-Hilite Mall and touching Punathil Bazar via Payyadi Meethal.Fresh permit **granted** as applied for subject to settlement of timings.

Item No.10

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented the applicant Sri.Mujeeb Rahman for the grant of fresh regular stage carriage permit to operate on the route Pulparambu-Mukkam via Theyyathum Bridge-Kodiyathur-Karassery-via Chennamangalur-Kacheri via Agastiamuzhi-Manassery-Kalanthode.Fresh permit **granted** in respect KL 57 M 5837 as applied subject to settlement of timings.

Item No. 11

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Rias.M.N for the grant of fresh regular stage carriage permit in respect KL 06 D 5202 to operate on the route Kakkodi-Chelannur 8/2, Chelannur-Edakkara-Parambath-via Pavandoor-Mthuvattuthazham-Puthiyedathuthazham-Pozhikavu-Pavayil Cheerpu.The field officer (Motor Vehicle Inspector, Koduvally) reported that the route in question "not suitable for fresh regular permit since the road width is not sufficient for safe operation. Hence rejected.

Item No. 12

Heard, Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.Muhammed Basheer for the grant of fresh regular stage carriage permit in respect KL 09 L 4708 to operate on the route Medical College-Narikkuni via Ozhukara-Kalandy thazham-Moozhikkal-Cheruvatta-Mallassery thazham-Kuruvattur-Pullalur touching Nadammeland Kakkodi via Parambil Bazar.There is a virgin portion of 1.5km for Cheruvatta to Nadammel.The Executive Engineer PWD issued a fitness certificate for LMV stage carriage only. Hence permit **granted** as applied for subject to settlement of timings. The replacement of vehicle for this permit is limited to LMV later model vehicle.

Item No.13

Heard, Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.K.K.Ali for the grant of fresh regular permit in respect KL 11 P 7785 to operate on the route Omasssery-Koduvally-Narikkuni-Mukkam-Kunamangalam via Arambram-Madavoor CM Makham-Agastiamuzhi-

Manassery-Muthalam-Ambalakandy.Fresh permit **granted** subject to settlement of timings.

Item No.14

Heard, Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.Aseeb for the grant of fresh regular permit in respect KL 09 Q 8299 to operate on the route Kozhikode-Mukkam-Areekode via Medical college,Kunnamangalam-NIT, Eranhimavu.The portion of the route from Karanthur to Kunnamangalam for a disance of 2.2 km is overlapping with notified route which is against the provision of Notification 42/09,Trans dtd. 14-7-2009. The permissible overlapping is 5% of the route. Hence rejected.

Item No.15

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Kolakkadan Moosa Haji to operate on the route Areakode-Kozhikode via Mavoor-Medical college-Kozhikode Railway station. There was no ready vehicle at the time of application.Now the applicant offered vehicle bearing Registration number KL 13 H 6029 before the RTA for availing this permit. The field officer reported that the portion of route from Annie Hall road to SBI Kozhikode is overlapping for a distance of 1.2 km which is within the permissible limit. A portion of the route covers under Malappuram district also comes under general concurrence. Hence fresh permit **granted** subject to settlement of timings.

Item No.16

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Muhammed Salih.P.K for a fresh regular permit in respect KL 11 S 1630 to operate on the route Nayarkuzhi-Kozhikode Palayam Bus stand via Vellalassery-Mavoor-Poovattuparamba-Velliparamba-and Medical college Hospital. The overlapping is within the permissible limit.Fresh permit **granted** as applied for subject to settlement of timings.

Item No.17

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.T.Muhammed Ashraf for a fresh permit to operate on the route Kalakavu-Thalayad Via Chokkad-Pookottupadam-Chandakunuu-Nilambur-Edavanna-Areekode-Eranhimavu-Mavoor-Medical college-Palayam Bus stand-CTPS-Mavoor road-Eranhipalam-Kakkodi-Kakkur-Balusserly-and Estate Mukku in respect of KL 11 G 8469.The total length of route is 128.3km.The portions of the route overlapping in the notified route is as follows.

1.Edavanna to Nilambur 15.7 km in item No.29 (Kozhikode-Vazhikadavu) route vide GOP No.42/2009 Trans dtd.14-7-2009.

2.Eranhipalam to Palayam Bus stand 3.3km item No. 27(Kozhikode-Manathawady) GOP No.42/2009 Trans dtd.14-7-2009

3.CTPS to Palayam stand 0.8km (Kozhikode-Manathawady) Gop No,42/2009 Trans dtd. 17-7-2009.The total overlapping is 19.8km which is against the permssible limit of 5km.The application is liable to be rejected in lemine.KSRTC has not opposed the grant.

However the application is rejected on the ground of scheme violation.

Item No.18

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Shamnas for a fresh regular permit in respect KL 10 AA 6061 on the route Narikkuni-Balusserly-via Palangad-Odupara-Elettil Vattoli-Nanminda-Veeriambram-Ekarool.Perused the Judgement in WPC No. 36949/2015.Adv.Abdul Latheef objected stating that there is a virgin portion from Kannitta makkool to Arival Mukku without any document.On the perusal of the report the field officer, there is no mention of the virgin portion. The regular permit **granted** as applied for subject to settlement of timings.

Item No.19

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Maliyekkal Ummer for a fresh regular permit in respect KL 14 C 8938 on the route Odakkayam-Othayi-Pallipadi-Areekode-Eranhimavu-Cheruvadi-Mavoor-Poovattuparamba-via Medical college-Kozhikode Palayam bus stand. The application is not specific regarding the route applied.Notes before the Authority is not un ambiguous.The route length understood as 60.6km and an objectionable overlapping 3.13km.Some mistakes are crept in the field officers report also.Secretary RTA is directed to look in to the matter personally and submit with proper notes and specific report.The applicant is directed to specify the clear route position. Hence adjourned.

Item No.20

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri. Shabi.K for a fresh regular permit in respect KL 11 AA 3231 on the route Thiruvangoor-Kozhikode via Vengalam-Puthiyottil Kadavu-Pooladikunnu-Malikaladavu-Malaparambu-Thondayad-Mavoor Road. Fresh permit **granted** as applied for subject to settlement of timings.

Item No.21

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri. Krishnan.C.V for a fresh regular permit in respect KL 57 D 3092 on the route Medical college-Narikkuni-via Kalandithazham-Moozhikkal- Chervattakavu- Nadammel- Konott- Payimbra-Kummangottuthazham. The route portion from Nadammel to Konot for a distance 1.1km is virgin and road fitness certificate obtained from PWD for LMV stage carriages only.The permit is **granted** as applied for subject to settlement of timings on a condition that the replacement if any in future shall be with a later model LMV only.

Item No.22

Heard,Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.Ummer for the grant of fresh regular permit in respect KL 11 T 4849 to operate on the route Kozhikode-Areakode- Manjeri- Mukkam via Medicalcollege -Poovattuparambu -Mavoor- Koolimadu- Cheruvadi-Eranhimavu and Agastiamuzhi.

The RTA held on 10/3/2015 considered the item as 26 and directed Secretary RTA to seek prior concurrence for Fresh permit from RTA Malappuram.The concurrence received is for renewal of permit.It will not act as prior concurrence for considering fresh regular inter district permit application.The Secretary RTA has not reported the overlapping details at Malappuram district.The report of MVI Sri.Prakasan is also silent on the overlapping in Malappuram district, for reasons not known to this Authority,though there is distance of 21.5km route portion from Eranhimavu to Manjeri.

However to conclude to a logical end the permit is **granted** as applied for subject to counter signature of RTA Malappuram for the portions lying in that area.The timings were settled on 17-6-2015 vide order No. C2/6644/2015 and that can be allowed for this permit on production of current records.

Item No.23

Heard. Fresh Permit **granted** in respect of **S/C KL 15 8934** on the route Thiruvambady-Koodaranhi-Kallanpulla with the proposed set of timings.

Item No.24

Heard. Fresh Permit **granted** in respect of **S/C KL 15/8918** on the route Kozhikode-Payimbra-Kunnamagalam-Mukkam with the proposed set of timings.

Item No.25

Heard. Fresh Permit **granted** in respect of **S/C KL 15/6898** on the route Thamarassery- Pilassery- Kozhikode- Thiruvambady- Koodaranhi-Kallapula with the proposed set of timings.

Item No.26

Heard. Fresh Permit **granted** in respect of **S/C KL 15/8556** on the route Thamarassery_engapuzha with the proposed set of timings.

Item No.27

Heard. Fresh Permit **granted** in respect of **S/C KL 15/4925** on the route Kozhikode-Thamarassery-Engapuzha with the proposed set of timings.

Item No.28

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 N 1055** operates on the route CST to Medical college is **allowed** from Sri.Sanoop to Sri.Muhammed Basheer as applied for subject to clearance of Govt dues.

Item No.29

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 AB 2093** operates on the route Balussery-Naduvannur-Thalayad is **allowed** from Sri.Mujeeb Rahman to Sri. Sreedharan Nair as applied for subject to clearance of Govt dues.

Item No.30

Heard, Adv.Sri-Abdul Latheef the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 R 1824** operates on the route Mathapuzha-Kozhikode is **allowed** from Sri.M.K.Rama bai to Sri. Veerankutty as applied for subject to clearance of Govt dues.

Item No.31

Heard, Adv.Sri-Abdul Latheef the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 AA 6327** operates on the route Kuttikadavu-Medical college is **allowed** from Sri.Vijayakrishnan to Smt.Kanakalatha as applied for subject to clearance of Govt dues.

Item No.32

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 AG 565** operates on the route Koyilandy-Devagiri College is **allowed** from Smt..Shijila to Sri.Anil as applied for subject to clearance of Govt dues.

Item No.33

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 10 AA 3046** operates on the route Koyilandy-Devagiri College is **allowed** from Sri.B.P.Anilkumar to Sri.Sulfeekar as applied for subject to clearance of Govt dues.

Item No.34

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit(Death) in respect of S/C **KL 11 AM 1212** to the name of Smt.Kadeeja is **allowed** subject to clearance of Govt.dues.

Item No.35

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 56 E 605** operates on the route Veeryambram-Kozhikode is **allowed** from Sri.Babychan to Sri.Shiraj as applied for subject to production of NOC from the financier within one month and clearance of all Govt.dues.

Item No.36

The applicant absent. Hence adjourned.

Item No. 37

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 56 D 1179** operates on the route Balussery-Narikkuni-Kozhikode is **allowed** from Sri.K.V.Abdul Salam to Sri. Sreejith as applied for subject to production of NOC from the financier within one month and clearance of Govt. dues.

Item No.38

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 07 AL 9987** operates on the route Perumanna-Kozhikode-Medical college is **allowed** from

Sri.Abdul Raheem to Sri.Pradeepkumar as applied for subject to clearance of Govt dues.

Item No.39

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 10 AA 267** operates on the route Ramanattukara-Paruthipara is **allowed** from Sri.Shafeeque to Sri. O.M.Rahmathulla as applied for subject to clearance of Govt dues.

Item No. 40

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 56 4266** operates on the route Mavoor-Kozhikode is **allowed** from Smt.Bushara to Sri. Assain as applied for subject to clearance of Govt dues.

Item No. 41

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 58 4014** operates on the route Payyadi Meethal-Kozhikode is **allowed** from Sri.Mohammed.K to Sri.Anilkumar as applied for subject to clearance of Govt dues.

Item No. 42

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 18 B 1008** operates on the route Vellimadukunnu-Beyepore is **allowed** from Sri.Fasaludheen V to Sri.Noushad as applied for subject to clearance of Govt dues.

Item No. 43

The applicant absent. Hence adjourned.

Item No. 44

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 R 7997** operates on the route Mankavu-Puthiyangadi is **allowed** from Sri.Abdul Jaleel to Sri.Vinodkumar as applied for subject to clearance of Govt dues.

Item No. 45

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 AF 7171** operates on the route Elathur-Puthiyappa is **allowed** from Smt.Sheeba to Sri.Sahira.V.K as applied for subject to clearance of Govt dues.

Item No. 46

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 13 K 5115** operates on the route Beypore-Puthiyappa is **allowed** from Sri.Shamsudheen to Sri.Mohammed Riyas as applied for subject to production of NOC from the financier within one month and clearing all Govt.dues.

Item No.47

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 R 9758** operates on the route Cherukulam-Medical college is **allowed** from Sri.Sasidharan to Sri.Dileepkumar as applied for subject to clearance of Govt dues.

Item No. 48

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 W 6999** operates on the route Mampuzha palam to MCH is **allowed** from Sri.Shaheer to Sri.Prabhakaran as applied for subject to clearance of Govt dues.

Item No. 49

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 Q 6081** operates on the route Perumanna-City is **allowed** from Sri.Shafeeque to Sri.Abdul Sathar as applied for subject to production of NOC from the financier within one month and clearance of Govt dues.

Item No. 50

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 R 5544** operates on

the route Kuttichira-Medical college is **allowed** from Sri.Abdul Gafoor to Sri.Satheesan as applied for subject to clearance of Govt dues.

Item No. 51

Heard, Adv.Sri-Abdul Latheef the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 Q 3456** operates on the route City-Feroke college is **allowed** from Sri.Uthaman to Smt.Rahmath as applied for subject to clearance of Govt dues.

Item No. 52

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 AC 126** operates on the route Nallalam Bazar-Medical College is **allowed** from Sri.Muhammed Ali to Sri.Moideen Koya as applied for subject to clearance of Govt dues.

Item No.53

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 07 AH 1094** operates on the route Parammel-Medical college is **allowed** from Sri.Illiyas to Sri.Sulaiman as applied for subject to clearance of Govt dues.

Item No. 54

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 18 8213** operates on the route Cherukulam-City is **allowed** from Sri.Mamukoya to Sri.Syamala as applied for subject to clearance of Govt dues.

Item No. 55

Heard, Adv.Sri-Abdul Latheef the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 60 6577** operates on the route Kozhikode-Adivaram is **allowed** from Sri.Shamsudheen to Sri.Sabheeshkumar as applied for subject to clearance of Govt dues.

Item No. 56

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 58 P 2204** operates on the route Areakode-Kozhikode is **allowed** from Sri.K.K.Sukumaran to Sri.Shajilkumar as applied for subject to clearance of Govt dues.

Item No. 57

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 Q 6401** operates on the route Mukkam-Thamarassery is **allowed** from Sri.Sasi.P to Sri.Abdul Gafoor as applied for subject to clearance of Govt dues.

Item No. 58

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 T 3350** operates on the route Moothottikkal-Kozhikode is **allowed** from Sri.Yousaf to Sri.Abdunnasser as applied for subject to clearance of Govt dues.

Item No. 59

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 R 2405** operates on the route Kozhikode-Adivaram is **allowed** from Sri.Aboobacker Haji to Sri.Sabari Raj as applied for subject to clearance of Govt dues.

Item No.60

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 06 C 2162** operates on the route Kozhikode-Adivaram is **allowed** from Sri.Abdurahiman to Sri.Rishad as applied for subject to clearance of Govt dues.

Item No. 61

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 N 9700** operates on the route Narikkuni-Kakkur-Edakkara is **allowed** from Sri.Abdu Manaf to Sri.Rishad.T as applied for subject to clearance of Govt dues.

Item No. 62

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 11 T 1089** operates on the route Areakode-Mukkam-Kozhikode is **allowed** from Sri.Jamsheer to Sri.Abdul Kareem as applied for subject to clearance of Govt dues.

Item No.63

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 57 C 6878** operates on the route Kodenchery-Kozhikode is **allowed** from Sri.Zubair to Sri.Haris as applied for subject to clearance of Govt dues.

Item No.64

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 08 AS 1699** operates on the route Nellipoyil-Kozhikode is **allowed** from Sri.Ibrahim to Sri.Kadher as applied for subject to clearance of Govt dues.

Item No.65

Heard, Adv.Sri-Dinesh Menon the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL KL 14 F 399** operates on the route Narikkuni-Kozhikode is **allowed** from Sri.Abdul Basheer.C.P to Sri.Saju.M.S as applied for subject to clearance of Govt dues.

Item No.66

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 57 E 7749** operates on the route Kozhikode-Areekode is **allowed** from Sri.Sunilkumar.T to Sri.Jineesh as applied for subject to clearance of Govt dues.

Item No.67

Heard, Adv.Sri-Abdul Latheef the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 40 C 8685** operates on the route Kozhikode-Adivaram is **allowed** from Sri.C.V.Sainabha to Sri.Muzzammil as applied for subject to clearance of Govt dues.

Item No.68

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 57 K 7585** operates on the route Kozhikode-Kottarakkoth is **allowed** from Sri.Shoukath to Sri.Zubair as applied for subject to clearance of Govt dues subject to production of NOC from the financier and clearing all dues to Govt.

Item No.69

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 57 A 189** operates on the route Kathammal-Mukkam is **allowed** from Sri.Kuriakose.K.J to Sri.Anil Arakkal as applied for subject to clearance of Govt dues.

Item No.70

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented both the applicants. Transfer of permit in respect of S/C **KL 13 L 7249** operates on the route Areakode-Kozhikode is **allowed** from Sri.Abdul Majeed to Sri.Subair as applied for subject to clearance of Govt dues.

Item No.71

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented the applicant in respect KL 11 AE 7227.This is an application for transfer of permit(Death) and renewal of permit. The prescribed fee for transfer of permit (Death) has not been paid. Hence Adjourned.

Item No.72

Heard, Adv.Sri-Stalin Peter Devis the learned counsel represented the applicant in respect KL 11 P 8867 for renewal of permit.No body including KSRTC objected grant of renewal of permit.Perused the judgment in 10/2010 of Hon'ble STAT dtd. 16-1-2010.renewal of permit **granted** for 5 years from 14-12-2015.

Item No. 73

Heard Adv,Sri Stalin Peter Devis the counsel represented the applicant Sri.Abdul Saleem for seeking concurrence for renewal of permit in respect of KL 58 6019 from sister RTA Malappuram. The Secretary RTA is permitted to seek concurrence from sister RTA. Hence Adjourned.

Item No. 74

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Muhammed Salih for the grant of renewal of permit in respect of KL 11 Q 8091.

- (a) Delay condoned subject to remittance of Rs 2000/- as compound fee.
- (b) Renewal of permit **granted** for a further period of 5 years from the date of expiry.

Item No. 75

This is an item with prolonged several litigations were disposed of by the STAT and the Hon'ble High Court of Kerala. A detailing is necessary and the same is as follows:-

The transfer of regular permit valid upto 21.8.2006 in respect of stage carriage KRD 8253, 1982 model vehicle, on the city route Beypore-Bhatt Road (via) City was granted by the Regional Transport Authority at its meeting held on 29.9.2003 vide item No. 25 from the name of Smt. Usha Murali to that of the applicant Sri. P. Gireesh Kumar. The transfer could not be endorsed in the permit with respect to KRD 8253 as it already completed 15 years and also was under form 'G' from 1.7.2003. The Secretary RTA rejected an application submitted by Shri. P. Gireesh Kumar for replacement of the said vehicle by KL-11/R 6457 as the proposed vehicle differed in material respects. Another application for replacement with respect to KL-11/5997 and renewal application for further period of 5 years from 22.8.2006 submitted were considered at the meeting held on 25.4.2007 vide item no.200. But both applications rejected holding that transfer of permit allowed on 29.9.2003 was not implemented due to the failure of production of records and that application for replacement of the vehicle KRD 8235 was not made in time. The challenge against this decision before the Hon'ble STAT vide M.V.A. No. 327/2007 was disposed of in favour of the applicant by its order dated 24.7.2006 directing the RTA to grant renewal of permit. Then the applicant moved the Hon'ble High Court vide WP(C) No. 3554/2009 for speedy disposal of the issue and as directed by the Hon'ble High Court in its judgment dated 3.2.2009, the matter was circulated among the members of Regional Transport Authority on 13.5.2009 and applications were rejected holding that applications for replacement of the vehicle and renewal of permit were not filed by the permit holder (Smt. Usha Murali); that the outgoing vehicle was under tax arrears and that the route covered by the permit lies under a notified sector. Again it was subjected to challenge before the Hon'ble STAT in M.V.A.A. No. 264/2009. Setting aside the impugned order, the Hon'ble STAT again directed the RTA to grant the renewal with the vehicle offered by the applicant. At the meeting held on 6.10.2009 as item No. 87, the matter was considered and the application for renewal rejected holding that an amount of Rs. 2,37,745 towards arrears of tax was due from the outgoing vehicle KRD 8253. The sanction given for transfer of permit on 29.9.2003 was also revoked for want of production of current records and non payment of tax in arrears. It was also decided to move the appropriate forum against the order passed by the Tribunal. The said order was again subjected to challenge before the Hon'ble STAT in

M.V.A.A. No. 502/2009. In its judgment dated 15.1.2010, it was directed to comply with the order of the Tribunal in MVAA No. 264/2009 within six weeks from the date of receipt of copy of the order. But, as decided on 6.10.2009, the State moved the Hon'ble High Court vide WP(C) No. 9902 of 2010 praying for quashing the orders of the Hon'ble State Transport Appellate Tribunal issued in MVAA No. 327/07, MVAA No. 264/09 and MVAA 502/09. Though the Hon'ble High Court gave interim relief staying the operation of the said orders of the Tribunal, it finally dismissed the case vide judgment dated 12.3.2015 observing: "It is conceded that **payment of tax stood cleared** and successive temporary permits were issued in the place of the vehicle. The court do not find any justification in the RTA recalling its decision which was taken as early as in the year 2003. When the transferee of the permit had applied for renewal of the permit and substitution of the vehicle and when payment of the arrears of tax with respect to earlier vehicle stand cleared, there is no justification in denying the benefit of the transfer of permit ordered as early as in the year 2003". Copy of the judgment was produced at the office of the Secretary on 8.12.2015 (The date of delivering copy of the judgment from the High Court is during 11/2015). Application for further renewal of permit from 21.8.2011 and that of replacement of KRD 8253 with another vehicle KL-11/Q- 5601 have been submitted by the applicant on 5.2.2016.

Heard the applicant, another operator, objecting the issue of renewal and those supporting the grant of renewal represented through their counsels.

The gist of the argument advanced for the applicant is that by the pronouncement of the judgment dated 12.3.2015 in WP(C) No. 9902/2010 dismissing the contentions of the State, it is liable to rescind the decision of revoking the transfer of permit granted early in 2003 and to comply strictly with the orders of the Hon'ble STAT directing to allow the replacement and grant the renewal of permit.

The main objection against the renewal of permit is that the grant of renewal of permit is hit by two latest judgments of the Hon'ble High Court in cases viz Usman v. Regional Transport Authority reported in 2015 (4) KLT 25 and Abdul Vahab v. Regional Transport Authority reported in 2015 (4) KLT 268. The relevant findings in the case reported in 2015 (4) KLT 25 are;

(i) No application for renewal of permit would lie without registration mark of the vehicle to be covered by the permit.

(ii) Only a holder of permit can apply for the permission to replace the vehicle covered with the permit by another vehicle of the same nature.

What the Hon'ble High Court examined in the case reported in 2015 (4) KLT 268 is, *where an application for renewal of permit filed out of time would entitle the applicant to claim temporary permit u/s 87(1)(d) pending consideration of the renewal application. The Hon'ble High Court asserted that it is not permissible. Inter-alia, the Hon'ble High Court also observed: "The act nowhere contemplates a renewal of an application filed for renewal of permit and the second application can only be treated as yet another application for renewal of permit. The applicant will be disentitled to the benefit of retrospective operation of Section 81(5) of the Act in the second application after the lapse of five years from the expiry of the permit. The situation would be different if the permit is renewed and an application for further renewal is filed under Section 81(2) and 81(3) of the Act. There is no provision in the Act to tack on the second application with the first application for renewal of the permit wherein final orders were not passed within a period of five years from the date of expiry of the permit."* (Para 7 of the judgment).

The facts and circumstances of the instant case are quite different from those examined in the above two judgments. In this case there was specific direction from the appellate body, Hon'ble State Transport Appellate Tribunal, to allow replacement and grant renewal of permit to the applicant being transferee of permit. Had those orders been complied with the permit could have been renewed in the name of the applicant and the vehicle KRD 8253 replaced within the expiry date of the permit i.e. 21.8.2011. As the orders of the Hon'ble State Transport Appellate Tribunal were under stay as per the interim order of the Hon'ble High Court in WP(C) No. 9902 of 2010 and the very order of revocation of transfer of permit granted in favour of the applicant was in force during the pendency of the Writ Petition, the applicant could not have submitted further application for renewal of permit in time as per Section 81(2) of the Act for five years from 22.8.2011. In other words, the applicant was prevented by good and sufficient cause from making an application within the time specified. The application for replacement of KRD 8253 with the Vehicle KL-11/Q 5601 is also to be accepted as it is not likely to keep the vehicle shown in the earlier application permitless and off-road for years together. Inshort, none of the findings made in the above judgments would squarely cover the instant case.

As the prolonged litigations were disposed of in favour of the applicant, in obedience to the observations made by the Hon'ble High Court in the judgment dated 12.3.2015 in WP(C) No. 9902/2010 and the directions made in the orders passed by the Hon'ble State Transport Appellate Tribunal in MVAA No. 327/2007, MVAA No. 284/2009 and MVAA No. 502/2009, the following decisions are taken.

- A. The order of revocation of sanction for transfer of permit issued vide item No. 87 at the meeting of the Regional Transport Authority on 6.10.2009 is withdrawn.
- B. For regularizing the issues of transfer of permit, replacement of KRD 8253 and renewal of permit for current period, the adjourned item 56 at the meeting of the Regional Transport Authority on 26.3.2010 regarding renewal of permit from 22.8.2006 is reconsidered and granted notionally for the period from 22.8.2006 to 21.8.2011.
- C & D. Adjourned item 56 at the meeting of the Regional Transport Authority on 26.3.2010 regarding replacement of stage carriage KRD 8253 is reconsidered and replacement allowed with KL-11/Q 5601 as applied for on 5.2.2016.
- E. The delay in presenting the application for further renewal is condoned under Section 81(3) of the act subject to remittance of compounding fee of Rs. 5000/- for default of operation and renewal of permit for five years from 22.8.2011 is granted to KL-11/Q-5601 as applied for on 5.2.2016.

Item No. 76

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Muhammed Ashraf for the grant of renewal of permit in respect of KL 18 18.

- (a) Delay condoned subject to remittance of Rs 2000/- as compound fee.
 (b) Renewal of permit granted for a further period of 5 years from the date of expiry.

Item No. 77

Heard Adv,Sri Stalin Peter Devis the counsel represented the applicant Sri.Abdul Salim for seeking concurrence for renewal of permit in respect of KL 57 G 3016 from RTA Wayanad. The Secretay RTA is permitted to seek concurrence from sister RTA. Hence Adjourned.

Item No. 78

Heard Adv,Sri Stalin Peter Devis the learned counsel represented the applicant Sri.Abu.P.C for seeking concurrence for renewal of permit in

respect of KL 58 6019 from RTA Wayanad. The Secretary RTA is permitted to seek concurrence from sister RTA. Hence Adjourned.

Item No. 79

Heard, Adv. Sri. Stalin Peter Devis the learned counsel represented the applicant Sri. Abdurahiman. P for the grant of renewal of permit in respect of KL 57 A 3546 on the route Koduvally-Mukkam. Perused the Judgment in WPC No. 8576/2015 dtd. 6-8-2015. It is ascertained from the file that a personal hearing letter was forwarded to the financier dtd. 5-11-2015 based on the direction in judgment dtd. 6-8-2015. Financier not turned up for hearing but replied to the letter as "The subject account is suspended with overdue Rs 162873/- you are requested not to renew the permit unless the overdue is cleared in full".

The NOC prescribed under Sec. 51(6) has not been submitted by the applicant along with renewal of permit application. On reading of Judgment the petitioner was deemed to get NOC as per Sec. 51(7). Further this Authority is directed vide Judgment to consider the application under section 51(8) of MV Act. Admittedly there is objection from the financier but the same is not sustainable in law. Under the above circumstances, renewal is granted for a period of 5 years from the date of expiry of permit subject to production of declaration in this regard by the applicant.

Item No. 80

Heard, Adv. Abdul Latheef the learned counsel represented the applicant Sri. Muhammed Ali for the variation of permit in respect of KL 11 AF 7497 operates on the route Mukkam-Kozhikode. Variation requested is curtailment of one single trip from Mukkam to Pulparamba (10.58am at Mukkam) via Chennamangalore and addition of trip from Mukkam to Pulparamba (Mukkam at 11am) via Agastiamuzhi and Manassery. The variation is granted as applied for subject to settlement of timings.

Item No. 81

Heard, Adv. Sri. Abdul Latheef the learned counsel represented the applicant Smt. Maimoona. M. P for the variation of permit in respect of KL 11 BB 1006 operates on the route Mukkam-Pulparamba.

The application is for variation by curtailing a trip from Mavoor (1.10pm) to Mukkam via Koolimadu-Cheruvady-Kodiyathur-Karassery and providing additional trip from Mavoor (12.55pm) to Mukkam via Vellalassery REC and Manassery. The variation is granted subject to settlement of timings for that trip only i.e. without changing the other existing timings.

Item No. 82

Heard,Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Muhammed Aneesh for the variation of permit in respect of KL 09 H 8986 operates on the route Ramanattukara-Meleputhukode.There was no objection except timings.Variation granted as applied for subject to settlement of timings.

Item No.83

Heard,Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Smt.Sreekala for the variation of permit in respect of KL 11 R 1215 operates on the route Kunduparambu-Payyanakkal.

Perused the Judgment in WPC No. 3056/2016 dtd. 29-1-2016 where in it was directed to consider the exhibit P1 application and to take a logical advent on that on 16-2-2016.The only variation requested in the application is for the extension of route from Kunduparambu to Puttattuthazham at 8.35pm with one round trip.The extended portion is virgin and obtained fitness certificate from the concerned.Hence the variation is granted subject to settlement of timings without change in the existing timings of all existing trips.The trip curtailment as per the time schedule proposed by the applicant has not reflected in the application.Hence not granted.

Item No.84

Heard,Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri.Mamukoya for the variation of permit in respect of KL 18 8213 operates on the route Cherukulam-City.

The proposed additional trip to Beach Hospital is against the Notification 42/2009 Trans dtd.14-7-2009.There is objectional overlapping from city to Over Bridge for a distance of 0.5km which is against clause 19 of the above Notification.Hence rejected.

Item No.85

Heard,Adv.Sri.Abdul Latheef the learned counsel represented the applicant Sri.Aswin.M.P for the variation of permit in respect of KL 11 Q 6561 operates on the route Medical college-City.

The variation application is for the extension of the route portion from MCC Bank to Puthiya palam proposing to conduct two round trips.The field officer reported that there is no overlapping in notified route and the proposed additional trip and the variation will be beneficial to the travelling public.Hence variation granted as applied for subject to settlement of timings.

Item No.86

Heard, learned counsel represented the applicant Sri.Moosa Haji for the variation of permit in respect of KL 58 9666 operates on the route Areekode-Kozhikode. The variation application is for two additional trips during night between Areekode and Kozhikode. There is an objectionable overlapping from City Traffic Police Station(Kozhikode) to Palayam Bus stand for a distance of 600 metres. This violates Clause 19 of Notification No.42/2009 Trans dtd. 14-7-2009. Hence rejected.

Item No.87

Heard,Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Smt.Gangadharan.T.K for the variation of permit in respect of KL 57 B 7191 operates on the route Kozhikode-Kodenchery. The variation requested is-

1-Extension from Omassery to Thamarasseryvia Koodathai

2-Deviation from Mukkam to Koodaranhi via Kumaranallur and curtailment from Omassery to Koodaranhi and Omassery to Kodenchery.

Due to variation there is change in termini such as Kodenchery and Thamarassery.There is an extension of route portion from Omassery to Thamarassery and deviation from Mukkam to Karamoola via Kumaranallur.The total additional route portion comes to 12.1km and there is additional overlapping on notified route Kozhikode –Mananthawadyfor a distance of 2km (GOP No.42/2009 trans dtd.14-7-2009).The same is against the clause of 19 of the scheme.There is no report regarding the convenience of the travelling public due to the extension as per Sec.80(3).A student representative submitted before the RTA that the curtailment of trip from Omassery to Koodencheri and Omassery to Koodaranhi via Thiruvambady will adversely affect the students community.Hence rejected

Item No.88

The Applicant Sri. Salim, Necholi House, Madavoor P O, Narikkuni, Kozhikode appeared before the Authority in person and submitted that he has not made such an application for variation and he needs no such variation in item No.88. Hence application considered and rejected.

Item No.89

Heard, Adv.Sri.Stalin Peter Devis the learned counsel represented the applicant Sri. Satheesh kumar for the variation of permit in respect of KL

11 X 1666 operates on the route Mukkam-Kozhikode. Variation granted as applied for subject to settlement of timings.

Item No.90

Perused the Judgment in WPC No.39914/2015 dtd.18-1-2016.This item relates to the renewal of night city Auto rickshaws permits issued in the year 2011 consequent upon the decision of RTA Kozhikode dtd.2/9/2011.Secretary RTA can renew the permits on proper application with prescribed fee. Secretary RTA is also directed to watch the service of these Auto rickshaws that whether the service is available un interruptedly for the night passengers. Further renewal will be as per the verification report of Secretary RTA.

Item No.91

This is a request for a proposal for enhancing the number of city Auto rickshaws in Kozhikode city. In this context the matter has to be discussed in detail before the District Road Safety Council and a proposal has to be obtained from them regarding the number of permits which can be issued as city permits considering the traffic, safety and parking aspects. Hence Secretary RTA is directed to put this matter in the next District Road Safety Council and then place this before the RTA with sufficient details obtained from Road safety council. Hence adjourned.

Item No.92

The applicant absent. Hence adjourned.

Item No.93

Considered the representation filed by Kozhikode Bus Operators Organisation and Association for fixing age limit for stage carriages while granting fresh regular permits. There were arguments for and against this proposal. Some operators requested to fix age limit of 5 years for all stage carriages such as for renewal and fresh permits. The matter requires a detailed study.The secretary RTA is directed to constitute a team for conducting a study in this matter and submit a report. Hence adjourned.

Item No.94

Koduvally-Thamarassery-Narikkuni bus operators requested to allowe theMoffussil service buses to pass on through Arayadathu palamhaving route length more than 25 kmrs. The matter discussed in detail. Arguments for and against the issue were raised from counsels of different operators.

In this connection this RTA vide item No.94 in the RTA dtd.14-11-2014 took a decision in this matter to get a report of traffic Advisory committee on matters like traffic density,road capacity,commutters convenience and

necessity, safety concepts, and consider the proposal of light metro. And till then in addition to city service buses, all Mofussil buses having less than 25 km route length was permitted to ply on a temporary basis.

The said report has not brought up to this Authority till today. On enquiry it is found that there is no such Traffic Advisory committee is functioning at present. Due to the formulation of District Road Safety Council under Kerala Road Safety Act, the advice of this council cannot be ignored. Hence this Authority entrust this to District Road Safety Council to take a logical end in this regard. Secretary RTA is directed to obtain a detailed report from District Road Safety Council to finalise the issue. This report of District Road safety Council shall be obtained within 6 weeks to place and consider finally in this RTA. Till then, the existing status-quo shall be maintained. Hence adjourned.

Item No.95

The applicant Sri. Devadas Punnath appeared and heard.

(A) The applicant requests before this Authority to restrict the renewal of permit of stage carriages plying with permissible overlapping on Notified sectors, to clear the pending check reports before granting renewal.

(B) The applicant also requested to convene a meeting of KSRTC, Motor Vehicles Department, Police and Local Authority of Thamarassery regarding the traffic regulation.

(C) He also requested to renew the permit of stage carriages plying without permit/against the provisions of Nationalisation on portions of Nationalised routes.

This Authority discussed this and decided as follows.

(A) Secretary RTA shall take earnest steps to dispose the pending check reports before finalising the renewal application.

(B) The applicant is directed to place the matter before the Traffic Regulatory Committee of Thamarassery Panchayath.

(C) The Secretary RTA is directed to obtain an enquiry report from the field officer while processing the renewal application to ensure that the said vehicle has not violated any condition of permit regarding route violation.

Item No.96

Heard, Adv. Sri. Abdul Latheef the learned counsel represented the applicant Sri. Mubashir Pallikkal for the grant of fresh regular permit in respect KL 10 Q 4401 to operate on the route Mundakkal-Kozhikode-Areakode via Kunnamangalam-NIT-Mukkam-Eranhimavu-Chullikkaparambu-Mavoor-Poovattuparambu.

This matter considered in the meeting held on 27-11-2015 and alleged by other operators in that sector that there is objectionable overlapping on the proposed route and also no ready vehicle offered at that time. Now the applicant offered a vehicle bearing registration number KL 10 Q 4401 and the field officer reported that the overlapping is only for a distance of 2.6km and the same is within the permissible limit. The allegation is not sustainable and hence rejected. There is a portion from Eranhimavu to Areakode for a distance of 6.5km is in Malappuram district and it is understood there is general concurrence upto 10 km. Hence fresh regular permit **granted** as applied for subject to settlement of timings.

Item No.97

Ratified.

Item No.98

Nil

Item No.99

Will be announced later.

1. **SRI.N.PRASANTH, IAS,
DISTRICT COLLECTOR AND CHAIRMAN,
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE.**

2. **SRI. PRATEESH, IPS, SUPERINTENDENT OF POLICE
KOZHIKKODE (RURAL) AND MEMBER OF REGIONAL
TRANSPORT AUTHORITY, KOZHIKODE.**

3. **SRI.B.J.ANTONY,
DEPUTY TRANSPORT COMMISSIONER
AND MEMBER OF REGIONAL
TRANSPORT AUTHORITY, KOZHIKODE.**