

**DECISION OF REGIONAL TRANSPORT AUTHORITY MUVATTUPUZHA
HELD ON 18-11-2017**

**Present:(1)Sri.Muhammed Y Safirulla. I.A.S.-District Collector & Chairman RTA
Muvattupuzha.**

**(2) Sri. A V George I.P.S- District Police Chief (Ernakulam Rural)
&Member RTA Muvattupuzha.**

**(3)Sri.K.G.Samuel.-Deputy Transport Commissioner-CZ-II, Ernakulam
&Member RTA Muvattupuzha.**

Item No-1

Heard Advocate Stalin Peter Davis , the learned counsel represented the applicant Sri Basheer N K. This is an application for fresh regular permit in respect of new or suitable stage carriage with seating capacity not less than 38 in all to operate on the route Aluva- Perumbavoor- Kothamangalam (Via) South Vazhakulam, Odackaly, Thankalam as ordinary moffusil service .

This authority considered the matter in detail and reveals the following. As per the application submitted for the grant of regular permit, the applicant offered of new or suitable stage carriage with seating capacity not less than 38 in all .

In the sitting dated 22/12/2015, this authority specified the description of the stage carriages for granting fresh regular permits and decided that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration ,considering the aspects of road safety and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010.

Aggrieved on this, some of the applicants approached the hon'ble high court and the Hon'ble High Court in the judgment in WP@ 33980 of 2015, directed the STA to take a decision on the maximum age of the vehicles to be used for conducting ordinary stage carriage services, since it is a matter affecting the stage carriage operators throughout the State. Accordingly STA in its meeting dtd 14/06/2017 considered the matter and decided to fix the age limit for the stage carriages in applying and granting fresh regular permits as 8 years for ordinary services, 07 years for city/town stage carriages and 05 years for LSOS.

Subsequently by circulating the matter among the members as per rule 130 of KMV rules , this authority is also decided to implement the above conditions preferred by the STA, while granting fresh regular permits in the region.

In the instant case the applicant is failed to produce the particulars of suitable vehicle before this authority. Hence the application for the grant of regular permit is rejected.

Item No-2

Heard Advocate Stalin Peter Davis, the learned counsel represented the applicant Smt Molly Varghese. This is an application for fresh intra district regular permit in respect of stage carriage KL 41 K 7281 or suitable vehicle with seating capacity not less than 38 in all to operate on the route Aluva- Thattekkad (Via) Perumbavoor, Odackaly and Kothamangalam as LSOS in the vacancy of S/c KL 05 Q 3091.

This authority considered the matter in detail. This is an intra district route having a route length of 46.9 Km. It is reported that there is an overlapping of 1.0 Km from Perumbavoor to Palakattuthazham and 0.5 km overlapping from Aluva Pump Jn to Aluva with the notified scheme Aluva- Kattappana and the distance of overlapping is within the permissible limit of overlapping preferred in the GO(p) No 8/2017/Tran dated 23/03/2017.

The objections raised in the meeting are related with proposed timings. There is no other legal impediments to grant a permit as per laws governing to the grant of permit on a non notified route.

Hence regular permit on the proposed route is granted to stage carriage KL 41 K 7281 subject to settlement of timings and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

Item No-3

Heard Advocate G Prabhakaran , the learned counsel represented the applicant Sri saju T C and also heard the learned counsels appeared for objectors, including STU. This is an application for, having a route length of 74.5 km.

This authority elaborately considered the scope and applicability of the application in the light of enquiry report furnished by the field officer, objections and connected file. Very strong objections were raised by other en route operators alleging that the intention of the applicant is to concentrate the service between Kalady and Aluva , where there are innumerable service operating at present.

It is also alleged that the intention behind the extension of service to Kothamangalamm is to increase the route length so as to keep the distance of overlapping within the prescribed limit. Representative of KSRTC alleged that the route objectionably overlaps from Aluva Municipal stand to Mahilalayam with the Aluva- Kattappana scheme which affects STU hardly as the proposed service concentrates the service between Kalady and Aluva. Further the representative of 'My bus service society' a society of bus operators- Kalady ,submitted an objection and the grievance high lighted is regarding the operation of permits by illegal persons and trafficking of permits.

The field officer reported that there exists no particular temporary need as preferred in Section 87 of MV act, warranting the grant of a temporary permit ,and the applicant has not mentioned any other temporary need in his application. More over the applicant offered the vehicle KL 17 9660 which is 2003 model vehicle . In view of the aforesaid facts and circumstances, the application for four months temporary permit is not seen maintainable . Hence rejected.

Item No-4

Heard Adv. Stalin Peter Davis, the learned counsel represented the applicant Sri Vivin. This is an application filed for variation of regular permit in respect of stage carriage KL 40 C 8037 Kozhikottukulangara- Aluva (Via) Vakuvally, Nedungapara, Punnayam, Asamannoor, Mudakkarai and Perumbavoor, and intend to be varied as Kozhikottukulangara- Aluva by providing more trips to Aluva from Perumbavoor by avoiding trips to Kozhikottukulangara.

This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file.

The field officer reported that the curtailment of trips between Kalamparam, , Kozhikottukulngara and Nedungapara will adversely affect the commuters since the portions are ill served. The request for additional trips to Aluva will cause additional overlapping on nationalized route which violates clause 19 of GO(p) 8/2017/Tran dtd 23/03/2017.

Regional Transport authorities are entitled to protect the travel needs of common public and on the aspect of public interest the application is not seen feasible. In view of the aforesaid facts and circumstances, the application for variation of permit is hereby rejected.

Item No-5

Heard Adv. Stalin Peter Davis, the learned counsel represented the applicant Sri Hashim. This is an application filed for variation of regular permit in respect of stage carriage KL 40 C 1188 on the route Perumbavoor- Muvattupuzha and desired to be vary the starting and halting at Perumbavoor by avoiding the last trip to Methala.

This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file. The field officer reported that the curtailment of last trip to Methala will adversely affect the commuters since the portion is not well served. It is also reported that a complaint against trip curtailment in the above sector has also received before Secretary RTA from CPIM Nellimolam branch Secretary recently.

This authority feels that avoiding of last trip to Methala will deprive the benefits of common public already enjoyed by them and hence it is against natural justice.

As Regional Transport authorities are entitled to protect the travel needs of common public and on the aspect of public interest the application is not seen feasible. In view of the aforesaid facts and circumstances, the application for variation of permit is hereby rejected.

Item No-6

Heard Adv. K V Gopinathan Nair the learned counsel represented the applicant Sri Sivadasan, and Adv Stalin Peter Davis, the learned counsel represented the objector. This is an application filed for variation of regular permit in respect of stage carriage KL 04 P 3026 on the route Perumbavoor- Malayattoor Adivaram- Kalady.

The variation sought for includes deviation of route in the existing trip @ 11.23 from Perumbavoor to Kurichilakode (Via) Aimury, Koovapady intend to deviate (Via) Kuruppampady and Akanad and retrun to Perumbavoor and one additional trip from Adivaram to Kalady after 6.02 pm .

This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file. The field officer reported that the proposed deviation of route (Via) Kuruppampady to Kurichilakode will decrease the transportation facility of Aimury, Koovapady area, and may hepful to Kuruppampady- Kurichila kode sector.

It is also reported that the proposed additional trip from Adivaram to Kalady will be beneficial to the public especially for labours. Strong objections against the proposed deviation of trip are raised by en route operators and also by the President of Koovappady Grama panchayath.

This authority is also feels that the deviation of trip will deprive the benefits of common public already enjoyed by them and hence it is against natural justice.

Regional Transport authorities are entitled to protect the travel needs of common public and on the aspect of public interest the 1st part of the variation application is not seen feasible hence rejected.

Considering the 2nd part of the variation it seems to be help ful to the common public. Hence the proposed additional trip from Adivaram to Kalady after 6.02 pm is granted subject to settlement of timings only in the variation portion .

Item No-7

A) Heard the applicant Sri Jijo K J . This is a request for condonation of delay for submitting the renewal of permit application in respect of S/C KL 37 5004 operating on the route Piravom-Muvattupuzha touching Kothamangalam as Ordinary moffusil service. This authority satisfied the explanation of the applicant and request allowed.

B) This is an application for renewal of regular permit in respect of stage Carriage KL 37 5004 operating on the route Piravom- Muvattupuzha touching Kothamangalam as Ordinary moffusil service.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file . This is an intra district route with route length 34.1 km and the regular permit was issued prior to 14/07/2009 .

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL 37 5004 operating on the route Piravom-Muvattupuzha touching Kothamangalam as ordinary moffusil service.

Item No-8

A) Heard Adv G Prabhakaran the learned counsel represented applicant Sri Saju Paul. This is a request for condonation of delay for submitting the renewal of permit application in respect of S/C KL-05 AM 5193 on the route Ernakulam – Muvattupuzha as LSOS. This authority satisfied the explanation of the applicant and request allowed.

B) This is an application for renewal of regular permit in respect of stage Carriage KL-05 AM 5193 on the route Ernakulam – Muvattupuzha as LSOS.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file . The vehicle is under HPA with Sundaram Finance Ltd Cochin and NOC produced. This is an intra district route with route length 45 km and the regular permit was issued prior to 14/07/2009 .

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL-05 AM 5193 on the route Ernakulam – Muvattupuzha as LSOS.

Item No-9

Heard Adv.G.Prabhakaran ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/c KL 44 D 2937 (replaced by KL 44 D 4193) operating on the route Muvattupuzha-Kothamangalam- Perumbavoor . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-10

Heard Adv.Stalin Peter Davis ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of KL 41 C 36 is covered by a regular permit on the route Kothamangalam-Aluva as LSOS .Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-11

Heard Adv.Stalin Peter Davis ,the learned counsel represented legal heir. This is an application for transfer of permit in respect of S/C KL 38 F 1119 on the route Thripunithura- Angamaly Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-12

Heard Adv.Stalin Peter Davis ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of KL 06 C 6151 is covered by a regular permit on the route Kanichattupara-Aluva . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-13

Heard Adv.G Prabhakaran ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 05 Y 101 is covered by a regular permit on the route Vandamattom-Aluva. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-14

Same item.

Item No-15

Heard Adv.Stalin Peter Davis ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 40 C 3312 is covered by a regular permit on the route Koothattukulam-Aluva . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-16

Heard Adv. G. Prabhakaran ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 N 6639 operating on the route Thodupuzha- Muvattupuzha- Ernakulam Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-17

Heard Adv. K V Gopinathan Nair ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 F 5686 operating on the route Koothattukulam-Kothamangalam . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-18

Heard Adv.Stalin Peter Davis ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 06 D 5341 operating on the route Perumbavoor- Ayavana SNDP Jn .Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-19

Heard Adv.Stalin Peter Davis ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 34 A 1258 operating on the route Kuruppampady- Akanad-Aluva. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-20

Heard Adv. G Prabhakaran ,the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 E 4923 operating on the route Kothamangalam- W.Island . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-21

Heard Adv.Stalin Peter Davis ,the learned counsel represented the applicant Sri Bibin Kuriakose and perused the judgment of hon'ble High court in WP© No-35560 of 2017.

This is the request of the grantee of fresh regular permit , regarding the production of current records of a suitable vehicle possessed by him under lease agreement.

This authority considered the matter in detail. The applicant was granted with regular permit to operate on the route Kothamangalam- Perumbavoor (Via) Nellikuzhy, Cheruvattoor, Methala, with one trip as Kothamangalam- Vavelly by RTA Muvattupuzha held on 22/12/2015 and in the same meeting , RTA has decided to implement a limitation for the grant of fresh permits to stage carriages older than five years from the date of its original registration.

Later in compliance of the judgment of hon'ble High court in WP© 33980 of 2015, State Transport Authority in its meeting held on 14/06/2017 decided to fix the age limit for the stage carriages in applying and granting fresh regular permits as 8 years for ordinary moffusil services and this authority , also decided to implement the condition preferred by the STA .

More over the applicant submitted a copy of the judgment of hon'ble High court in WP© No No-35560 of 2017,where in the hon'ble court directed the RTA to consider the request and take a decision at the earliest possible time on or before 30/11/2017.

In the submitted request the applicant offered S/c KL 40 F 2151 possessed by him under lease agreement .The offered vehicle satisfies the condition of age preferred by the RTA and this authority feels no other impediment to allow the request of the applicant.

Hence the request of the grantee is allowed after condonation of delay and Secretary RTA will issue the granted regular permit to the vehicle KL 40 F 2151, subject to settlement of timings.

Item No-22

Heard the representative of KSRTC . This is a request of the grantee of fresh regular permit on the route Perumbavoor-Aluva- Muvattupuzha along with the current records of S/c KL 15 8304 to issue the regular permit granted by RTA held on 22/12/2015. The offered vehicle satisfies the condition of age preferred by the RTA . This authority satisfied the explanation of the applicant . Hence delay on submitting current records is condoned and Secretary RTA will issue the granted regular permit to the vehicle KL 15 8304 with proposed set of timings.

Item No-23

Heard the representative of KSRTC . This is a request of the grantee of fresh regular permit on the route Perumbavoor-Aluva- Muvattupuzha along with the current records of S/c KL 15 9301 to issue the regular permit granted by RTA held on 22/12/2015. The offered vehicle satisfies the condition of age preferred by the RTA . This authority satisfied the explanation of the applicant . Hence delay on submitting current records is condoned and Secretary RTA will issue the granted regular permit to the vehicle KL 15 9301 with proposed set of timings.

Item No-24

Heard the representative of KSRTC . This is a request of the grantee of fresh regular permit on the route Perumbavoor-Aluva- Muvattupuzha along with the current records of S/c KL 15 9019 to issue the regular permit granted by RTA held on 22/12/2015. The offered vehicle satisfies the condition of age preferred by the RTA . This authority satisfied the explanation of the applicant . Hence delay on submitting current records is condoned and Secretary RTA will issue the granted regular permit to the vehicle KL 15 9019 with proposed set of timings.

Item No-25

Heard the representative of KSRTC . This is a request of the grantee of fresh regular permit on the route Perumbavoor-Aluva- Muvattupuzha along with the current records of S/c KL 15 8670 to issue the regular permit granted by RTA held on 22/12/2015. The offered vehicle satisfies the condition of age preferred by the RTA . This authority satisfied the explanation of the applicant . Hence delay on submitting current records is condoned and Secretary RTA will issue the granted regular permit to the vehicle KL 15 8670 with proposed set of timings.

Item No-26

Ratified.

Item No-27

Next meeting will be conducted on 20/01/2018.

Sd/-

K G Samuel.

Deputy Transport Commissioner
CZ-II & Member RTA Muvattupuzha

Sd/-

A.V George I.P.S

District Police Chief
(Ernakulam rural)
& Member RTA Muvattupuzha

Sd/-

Muhammed Y Safirulla I.A.S.

District Collector &
Chairman-RTA Muvattupuzha.