

**DECISIONS OF REGIONAL TRANSPORT AUTHORITY, WAYANAD IN THE MEETING HELD ON 10/07/2018**

Chairman : **Sri. Ajayakumar.A.R IAS,**  
The District Collector,  
Chairman, RTA Wayanad

Member : **Sri. Karuppasamy.R IPS,**  
District Police Chief,  
Member, RTA Wayanad

Member : **Dr.P.M.Muhammed Najeeb,**  
Deputy Transport Commissioner-NZ  
Kozhikkode.

**Item No: 01**

Heard, this is an application for fresh regular permit in respect of new or suitable Stage Carriage to operate on the route Chellankode- DM WIMS- Kalpetta- Venniyode via Vaduvanchal, Nedumkarana, DM WIMS, Meppadi, Kunnamngalam Vayal, Kappamkolly, Munderi and Kottathara as ordinary service. This application was considered by the last RTA and adjourned with direction to provide two more additional trips to Venniyode. The applicant produced modified application as directed and road fitness certificate also produced. There was an objection form en route operators including KSRTC about the time clash. Hence application **granted to suitable stage carriage subject to settlement of timings.**

**Item No: 02**

Heard, this is an application for fresh regular permit in respect of new or suitable Stage Carriage to operate on the route Chellankode- DM WIMS- Kalpetta- Venniyode via Vaduvanchal, DM WIMS, Meppadi, Kunnamngalam Vayal, Kappamkolly, Munderi and Kottathara as ordinary service. This application was considered by the last RTA and adjourned with direction to provide two more additional trips to Venniyode. The applicant produced modified application as directed and road fitness certificate also produced. There was an objection form en route operators including KSRTC about the time clash. Hence application **granted to suitable stage carriage subject to settlement of timings.**

**Item No: 03**

Heard, this is an application for fresh regular permit in respect of New or suitable Stage Carriage to operate on the route Noolpuzha – Sulthan Bathery via Pazhoor as ordinary service. **Fresh regular permit is granted to suitable stage carriage, subject to settlement of timings.**

**Item No: 04**

Heard, this is an application for fresh regular permit in respect of New or suitable Stage Carriage to operate on the route Noolpuzha – Sulthan Bathery via Pazhoor as ordinary service. **Fresh regular permit is granted to suitable stage carriage, subject to settlement of timings.**

**Item No: 05**

Heard, this is an application for fresh regular permit in respect of New or suitable Stage Carriage to operate on the route Noolpuzha – Sulthan Bathery via Pazhoor as ordinary service. **Fresh regular permit is granted to suitable stage carriage, subject to settlement of timings.**

**Item No: 06**

Heard, this is an application for regular variation of class of permit of the vehicle KL-73/A-5040 operating on the route Parakkadavu - Kannur via Pulpally, Nadavayal, Panamaram, 4<sup>th</sup> Mile, Mananthavady, Chandanathode, Koothuparamba, Mambram and Chala as ordinary service for the conversion of class of service as Limited Stop Ordinary Service. Total route length of this permit is 130.5 Kms out of which 16 Kms overlapping on the scheme Kozhikode- Mananthavady from Panamaram to Mananthavady. KSRTC objected on the basis of notification 8/2017 that this is a saved permit and hence no variation is allowed. The applicant argued that there is no variation in route but only requesting change of type of operation from Ordinary Service to Limited Stop Ordinary Service. It is clear that the notification 8/2017 prohibited any type of variations on a notified route for saved permits. **Hence, application rejected.**

**Item No: 07**

Heard, this is an application for regular variation of permit in respect of stage carriage KL-38-6973 operating on the route Thettamal- Kalpetta Via Kallody, Mananthavady, Koilery, Panamaram, Pachilakkad, Vet. Hospital, Kaniyambetta and Kainatty as ordinary service. This application involves curtailment of one trip to Kallody and change in timing as some places. KSRTC objected on the basis that this is a saved permit and hence variations not allowed vide notification 8/2017. This application includes variation on the notified route of the saved permit and hence violating the scheme. **Hence, the application is rejected.**

**Item No: 08**

Heard, this is an application for regular variation of permit in respect of stage carriage Carriage KL-12/L-1992 operating on the route Thenery- Kambalakkad- Kalpetta Via Kakkavayal, Muttill, Parakkal, Chelenjichal, Paralikulnu And Kainatty as ordinary service. This is an application for variation with curtailment of Muttill to Thenery and change of halting place to Kambalakkad. In this case there is no additional trip or extension. KSRTC objected as there is scheme violation under notification 8/2017. On verification it is found that this is a saved permit and the variation will violate the scheme. **Hence, the application is rejected.**

**Item No: 09**

Heard, this is an application for regular variation of permit in respect of stage carriage Carriage KL-12/K-7515 operating on the route Kolavally- Pulpally- Seethamound- Chekady- Marakkadavu- Sulthan Bathery via Chettappalam, Padichira, Alathur, Surabhikavala, Mullankolly, Palakolly, Eriyappally, Irulam and Kappiset as ordinary service. This is an application of curtailment to Palakkolly a very ill-served area and an additional trip on Pulpally- Sulthan Bathery a well-served portion. There are objections from various corners and this proposal is against the interest of travelling public at Palakkolly a remote tribal area. **Hence, the application is rejected.**

**Item No: 10**

Heard, re-considered the application for renewal of permit in respect of stage carriage KL-73/A-5040 operating on the inter district route Parakkadavu- Kannur. **Renewal of permit granted as ordinary service,** subject to production of No Objection Certificate from the financier, if applicable.

**Item No: 11**

Heard, re-considered the application for renewal of permit in respect of stage carriage KL-13/V-9552 operating on the inter district route Parakkadavu- Kannur. **Renewal of permit granted as LSOS,** subject to production of No Objection Certificate from the financier, if applicable.

**Item No: 12**

Heard, considered the application for renewal of permit in respect of stage carriage KL-12/F-87 operating on the route Kenichira- Pulpally- Kalpetta- Sulthan Bathery as ordinary service. **Delay condoned and Renewal of permit granted**, subject to production of No Objection Certificate from the financier, if applicable.

**Item No: 13**

Heard, **transfer of permit in respect of stage carriage KL-12/C-1144 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 14**

Heard, **transfer of permit in respect of stage carriage KL-13/R-4796 (KL-73/B-2952) allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 15**

Heard, **transfer of permit in respect of stage carriage KL-09/AJ-2567 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 16**

Heard, **transfer of permit in respect of stage carriage KL-10/Z-6003 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 17**

Heard, **transfer of permit in respect of stage carriage KL-12/L-3951 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 18**

Heard, **transfer of permit in respect of stage carriage KL-73/B-2400 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 19**

This is an application of transfer of permit in respect of stage carriage KL 38/A-6567. The applicants are absent hence, **adjourned**.

**Item No: 20**

This is an application of transfer of permit in respect of stage carriage KL 08/AQ-1999. The applicants are absent hence, **adjourned**

**Item No: 21**

Heard, **transfer of permit in respect of stage carriage KL-18/D-6858 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 22**

Heard, **transfer of permit in respect of stage carriage KL-12/C-1199 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 23**

Heard, **transfer of permit in respect of stage carriage KL-73/B-2003 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 24**

Heard, **transfer of permit in respect of stage carriage KL-73/A-7755 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 25**

Heard, **transfer of permit in respect of stage carriage KL-73/B-3799 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 26**

Heard, **transfer of permit in respect of stage carriage KL-56/A-8530 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 27**

Heard, **transfer of permit in respect of stage carriage KL-06/E-1603 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

**Item No: 28**

This is an application for contract carriage permit with halting place at Sulthan Bathery Municipality. The applicant filed a petition before the Hon'ble High Court of Kerala in WP(C) No. 14940 of 2018 for obtaining Auto rickshaw permit with halting place at Sulthan Bathery town and The Hon'ble Court in its judgment dated 04/05/2018 directed to issue permit to the petitioner, as applied by him, in conformity with WP(C) No. 42013/2017 and the legal requirements and prescriptions of the applicable Act and Rules within a period of one month from the date of receipt of a certified copy of this judgment.

Section 74 of Motor Vehicle Act provides for grant of contract carriage permit. Subsection 3(a) of Section 74 provides that the state Government shall, if so directed by the Central Government, having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport authority to limit the number of contract carriages generally or of any specified type as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

In the case of this application applicant seek permit for an Auto rickshaw in Sulthan Bathery Municipality. There is no Government notification to limit the number of Auto rickshaws in Sulthan Bthery Municipality under section 74 (3) (a) of Motor Vehicle Act 1988.

Heard applicant and all objectors, objection was from various Auto rickshaw drivers organizations on the basis of saturated number of permit in this Municipality and non-viability of operations if any more permit allowed.

The Secretary Sulthan Bathery Municipality informed that there is no sufficient parking place for more Auto rickshaws in Sulthan Bathery town.

The application is for Auto rickshaw permit in Sulthan Bathery Municipality and the responsibility of providing parking place for Auto rickshaw is vested with the Municipal Authority. The area of Sulthan Bathery Municipality is not restricted to the Sulthan Bathery town. Legally the applicant is eligible for getting a permit to operate in Sulthan Bathery Municipality. The Hon'ble High Court of Kerala ordered to issue permit to the petitioner, as applied by him. **Hence, the application is granted.**

#### **Item No: 29**

This is an application for Super Fast stage carriage bus stop in the existing Bus stop at 5<sup>th</sup> mile junction Kellur. Several representations have been received regarding the sanctioning of Bus stop at 5<sup>th</sup> mile junction, Kellur for stage carriages in the category of Super Fast services. The public have raised their demand for allowing stop at 5<sup>th</sup> mile junction for stage carriages in this category. Sri I C Balakrishnan, MLA Sulthan Bathery and sri O R Kelu, MLA Mananthavady have also requested to take necessary steps to allow bus stop for the Super Fast services. The matter was enquired through Motor Vehicle Inspector, SRTD Mananthavady and revealed that, several Govt. offices like Telephone Exchange, Soil Conservation, Dist Co-op Bank, Sub RT Office and Kellur GLP School are situated at this place.

Heard, the KSRTC authorities objected the application stating that all the stage carriage operations from Fast passenger and above are nationalized under Chapter 6 of Motor Vehicle Act 1988. Under Section 103 there is no provision to implement any conditions including stop for these buses.

KSRTC is a public sector fleet operator intended to provide stage carriage facility to the public in a co-ordinated and integrated manner. The request of the public including two respected MLAs may not be opposed on the basis of legal privileges given by the government for better service to travelling public.

Hence, directed KSRTC District Transport Officer to consider the application and grant the stop at 5<sup>th</sup> mile for Super Fast stage carriages.

#### **Item No: 30**

This is a proposal for the approval of the newly built Bus Stand at Kenichira. Heard and found the proposed bus stand and its approach road are not completed to provide the required facilities safely. Hence, adjourned with direction to place before next RTA after completing the works with fitness certificate from Executive Engineer and Motor vehicle departments after provides the facilities and NOC from the Superintend of police.

#### **Item No: 31**

This is a proposal for the approval of the newly built Bus Stand at Niravilppuzha town. Heard and granted subject to the production of fitness certificate from Executive Engineer and NOC from the Superintend of police.

**Item No: 32**

Ratified

**Item No: 33**

Nil

**Item No: 34**

Will be informed later

**Supplementary item No.01**

Heard, this is an application for fresh regular stage carriage permit filed by the Managing Director, KSRTC to operate on the intra-district route Sulthan Bathery- Ambalavayal via Chulliode as ordinary service. **Fresh regular permit is granted to suitable stage carriage**

**Supplementary item No.02**

Heard, this is an application for fresh regular stage carriage permit filed by the Managing Director, KSRTC to operate on the intra-district route Noolppuzha- Sulthan Bathery via Pazhoor as ordinary service. **Fresh regular permit is granted to suitable stage carriage**

**Supplementary item No.03**

Heard, this is an application for fresh regular permit in respect of New or suitable Stage Carriage to operate on the route Vazhavatta- Kalloor via Meenangadi, Sulthan Bathery and Kallumukku as ordinary service. **Fresh regular permit is granted to suitable stage carriage, subject to settlement of timings.**

**Supplementary item No.04**

Heard, this is an application for fresh regular permit in respect of New or suitable Stage Carriage to operate on the route Cheeral- Sulthan Bathery- Kalloor- Nambiarkunnu via Madakkara, Koliyadi, Moolankavu, Kazhambu and Vendola as ordinary service. **Fresh regular permit is granted to suitable stage carriage, subject to settlement of timings.**

**Supplementary item No.05**

Heard, this is an application for regular variation of permit of the vehicle KL-12/L-3400 operating on the route Kalpetta- Mukkamkunnu- Meppady- Meenangadi via Kainatty, Parakkal, Muttil, Mandad, Vazhavatta, Kakkavayal and Muppanad as ordinary service. This is a saved permit and variation on this permit is violating of scheme 8/2017 and the order in Writ Appeal No. 1098/2018 the Hon'ble high Court ordered a status quo for a period of one month. Hence application **adjourned for consideration after the final verdict of this case.**

**Supplementary item No.06**

Heard, this is an application for regular variation of permit of the vehicle KL-12/B-5999 operating on the route Nenmenikunnu - Sulthan Bathery via Nambikolli, Puthenkunnu, Makkutti, Maidanikunnu and Kalluvayal Junction as ordinary service. This is an application for variation of the permit involving deviation from Sulthan Bathery to Nenmenikkunnu via Kalloor. This variation depriving transport facility for Puthenkunnu, Makkutti and Maidanikunnu an ill served with only this bus providing stage carriage facility. Hence, this application is against the interested of travelling public and hence, **rejected.**

### **Supplementary item No.07**

Heard, considered the application for renewal of permit in respect of stage carriage KL-13/M-5355 operating on the route Sulthan Bathery- Kalpetta- Makkutty via Meenangadi, Muttill, Viv.Hospital, Edapetty, Kainatty and Thotuvatty as ordinary service. **Delay condoned and Renewal of permit granted**, subject to production realization of tax due and other Government dues and No Objection Certificate from the financier, if applicable.

### **Supplementary item No.08**

Heard, Produce power of Attorney and the affidavit on behalf of the transferor. Hence, **transfer of permit in respect of stage carriage KL-12/J 9016 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

### **Supplementary item No.09**

Heard, Produce power of Attorney and the affidavit on behalf of the transferor. Hence, **transfer of permit in respect of stage carriage KL-12/L-3200 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

### **Supplementary item No.10**

Heard, Produce power of Attorney and the affidavit on behalf of the transferor. Hence, **transfer of permit in respect of stage carriage KL-12/K-9936 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

### **Supplementary item No.11**

Heard, Produce power of Attorney and the affidavit on behalf of the transferor. Hence, **transfer of permit in respect of stage carriage KL-12/K-3303 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

### **Supplementary item No.12**

Heard, Produce power of Attorney and the affidavit on behalf of the transferor. Hence, **transfer of permit in respect of stage carriage KL-12/L-2040 allowed** from the name of applicant No.1 to the name of applicant No.2, subject to clearance of motor vehicle tax and Government dues if any and production of NOC from the financier, if applicable.

### **Supplementary item No.13**

This is an application for contract carriage permit with halting place at Sulthan Bathery Municipality. The applicants filed a petition before the Hon'ble High Court of Kerala in WP(C) No. 21771 of 2018, 15009 of 2018 and 14988 of 2018 for obtaining Auto rickshaw permit with halting place at Sulthan Bathery town and The Hon'ble Court in its judgment as directed "*i. Within one week from the date of receipt of a certified copy of this judgment, the petitioners shall resubmit Exts.P1 and P2 applications before the 2<sup>nd</sup> respondent Secretary of Regional Transport Authority, and remit the requisite fee.*

*ii. If the applications submitted by the petitioners are in order, the 2<sup>nd</sup> respondent shall place it before the 1<sup>st</sup> respondent Regional Transport and thereafter, the 1<sup>st</sup> respondent shall consider the same and pass appropriate orders thereon, strictly in accordance with law, with notice to the petitioners and also to the Secretary of the 3<sup>rd</sup> respondent Municipality.*

*iii. Decisions in this regard shall be taken as expeditiously as possible, at any rate, within a period of six weeks thereafter."*

Section 74 of Motor Vehicle Act provides for grant of contract carriage permit. Subsection 3(a) of Section 74 provides that the state Government shall, if so directed by the Central Government, having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport authority to limit the number of contract carriages generally or of any specified type as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

In the case of this application applicants seek permit for an Auto rickshaw in Sulthan Bathery Municipality. There is no Government notification to limit the number of Auto rickshaws in Sulthan Bthery Municipality under section 74 (3) (a) of Motor Vehicle Act 1988.

Heard applicants and all objectors, objection was from various Auto rickshaw drivers organizations on the basis of saturated number of permit in this Municipality and non-viability of operations if any more permit allowed.

The Secretary Sulthan Bathery Municipality informed that there is no sufficient parking place for more Auto rickshaws in Sulthan Bathery town.

The application is for Auto rickshaw permit in Sulthan Bathery Municipality and the responsibility of providing parking place for Auto rickshaw is vested with the Municipal Authority. The area of Sulthan Bathery Municipality is not restricted to the Sulthan Bathery town. Legally the applicants are eligible for getting a permit to operate in Sulthan Bathery Municipality. The Hon'ble High Court of Kerala ordered to issue permit to the petitioners, as applied by him. **Hence, the application is granted.**

#### **Supplementary item No.14**

This is an application for contract carriage permit with halting place at Kalpetta Municipality. The applicants filed a petition before the Hona'ble High Court of Kerala in WP(C) No. 21781 of 2018 for obtaining Auto rickshaw permit with halting place at Sulthan Bathery town and The Hon'ble Court in its judgment as directed *"i. Within one week from the date of receipt of a certified copy of this judgment, the petitioners shall resubmit Exts.P1 and P2 applications before the 2<sup>nd</sup> respondent Secretary of Regional Transport Authority, and remit the requisite fee.*

*ii. If the applications submitted by the petitioners are in order, the 2<sup>nd</sup> respondent shall place it before the 1<sup>st</sup> respondent Regional Transport and thereafter, the 1<sup>st</sup> respondent shall consider the same and pass appropriate orders thereon, strictly in accordance with law, with notice to the petitioners and also to the Secretary of the 3<sup>rd</sup> respondent Municipality.*

*iii. Decisions in this regard shall be taken as expeditiously as possible, at any rate, within a period of six weeks thereafter."*

Section 74 of Motor Vehicle Act provides for grant of contract carriage permit. Subsection 3(a) of Section 74 provides that the state Government shall, if so directed by the Central Government, having



regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport authority to limit the number of contract carriages generally or of any specified type as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

In the case of this application applicants seek permit for an Auto rickshaw in Kalpetta Municipality. There is no Government notification to limit the number of Auto rickshaws in Kalpetta Municipality under section 74 (3) (a) of Motor Vehicle Act 1988.

Heard applicants and all objectors, objection was from various Auto rickshaw drivers organizations on the basis of saturated number of permit in this Municipality and non-viability of operations if any more permit allowed.

The Secretary Kalpetta Municipality informed that there is no sufficient parking place for more Auto rickshaws in Kalpetta town.

The application is for Auto rickshaw permit in Kalpetta Municipality and the responsibility of providing parking place for Auto rickshaw is vested with the Municipal Authority. The area of Kalpetta Municipality is not restricted to the Kalpetta town. Legally the applicants are eligible for getting a permit to operate in Kalpetta Municipality. The Hon'ble High Court of Kerala ordered to issue permit to the petitioners, as applied by him. ***Hence, the application is granted.***