

DECISIONS OF REGIONAL TRANSPORT AUTHORITY, WAYANAD IN THE MEETING HELD ON 22/02/2020

**Present: - Chairman : Smt. Adheela Abdulla IAS,
The District Collector,
Chairman, RTA Wayanad**

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

**Member : Sri. T.C.Vinesh,
Deputy Transport Commissioner-NZ
Kozhikkode, Member, RTA Wayanad**

Item No: 1

Heard, this is an application for fresh regular stage carriage permit to operate on the route Mananthavady- Kallody- Moolithode as ordinary service. The applicant is the Managing director KSRTC. The report of the enquiry officer reveals that the total route length of the route is 9.9KM. Hence fresh regular stage carriage permit is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a suitable stage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in departmental item 1, that the upper age limit for applying and granting fresh regular permit to ordinary, city/Town and LSOS stage carriage as eight years, within thirty days from the date of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No: 2

Heard, this is an application for fresh regular stage carriage permit to operate on the route Mananthavady- Kulathada via Kallody, Puthussery, Makkiyad as ordinary service. The applicant is the Managing director KSRTC. The report of the enquiry officer reveals that the total route length of the route is 24 KM. Hence fresh regular stage carriage permit is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a suitable stage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in departmental item 1, that the upper age limit for applying and granting fresh regular permit to ordinary, city/Town and LSOS stage carriage as eight years, within thirty days from the date of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No: 3

Heard, this is an application for fresh regular stage carriage permit to operate on the route Mananthavady- Puthussery vai Kulathada, Kallody as ordinary service. The applicant is the Managing director KSRTC. The report of the enquiry officer reveals that the total route length of the route is 44 KM. Hence fresh regular stage carriage permit is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a suitable stage for endorsing the granted permit as specified in the decision of STA held on 16.01.2019 in departmental item 1, that the upper age limit for applying and granting fresh regular permit to ordinary, city/Town and LSOS stage carriage as eight years, within thirty days from the date of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No: 4

1. Perused the judgment of Hon'ble High Court of Kerala dated 15.10.2019 in WP(C) No.26087 of 2019.
2. In compliance to the direction of Hon'ble High Court of Kerala in the above judgment **request to condone delay is allowed**, Secretary shall accept current records of the suitable vehicle and issued granted permit with settled set of timings.

Item No: 5

Heard the applicant. This is an application for variation of permit in respect of the vehicle KL 12 D 8199 on the route Vadakkanad School- S.Bathery-Valluvady- Pallivayal. In the requested variation, as per the report of the enquiry officer, the portion of the existing route from Sulthan Bathery to Moolankavu (4 Km) is on notified route. From the existing and proposed time-schedules, it is seen that before variation there was only 8 trips touching Sulthan Bathery. But from proposed time schedule, it is seen that there are 9 trips touching Sulthan Bathery. The report of the enquiry officer is silent on this increased trip on notified portion. Hence, Secretary is directed to report whether there is any scheme violation in this case. For specific report, **decision on the application is adjourned**.

Item No: 6

1. Perused the order of Hon'ble STAT, Eranakulam dated 20.07.2019 in MVARP No.109/2018.
2. Heard, this is to re-consider the application for variation of permit in respect of stage carriage KL 73 C 9077 operating on the inter-district route Parakkadavu- Kannur as ordinary service. The applied variation is for conversion of nature of service from Ordinary to LSOS. This application for variation of permit was rejected by this authority in the meeting held on 10.07.2018 vide decision in item no.6 owing to the restriction in clause 4 of the G.O(P) No.8/2017 against allowing variation on saved permits. The above order of Hon'ble STAT directs this authority to reconsider the application for variation of permit on merits by pointing out that the clause 4 of the above G.O(P) No.8/2017 dated 23.03.2017 was already set aside by the Division Bench of Honb'le High Court of Kerala in KSRTC Vs. Saju Varkey and others(2018 (4) KLJ 145).

3. On perusal of records, It is not seen operated whether the proposed conversion of nature of service from Ordinary to LSOS is beneficial to travelling public. KSRTC vehemently raised objection against allowing this variation of this permit passing through notified route. Hence, Secretary is directed to report the feasibility on varying this permit as LSOS form Ordinary service and its advantages to the short distance commuters. The report shall be with number of ordinary service and LSOS service on the applied route, number of Educational institution situated on the route and with any other relevant data showing both merits and demerits of proposal. For compliance of the above directions, **decision on the application for variation of permit is adjourned.**

Item No: 7

Heard the applicant. This is an application for renewal of permit on the inter route Pancharakolly- Mananthavady- Kozhikode as LSOS. **Renewal of permit granted**, subject to production of NOC from HP Co., if applicable and clearance of Govt. dues, if any.

Item No: 8

Heard. This is a belated application for renewal of permit in respect of stage carriage KL-72/B-8931 operating on the route Kalpetta- Niravilpuzha- Mananthavady as ordinary service. The permit was valid up to 22.06.2019. The belated application for renewal of permit is seen filed only on 27.08.2019. This authority is convinced that the permit holder is prevented by good and sufficient reasons from making application for renewal of permit in time. Delay condoned and **Renewal of permit granted**, from the date of application, subject to production of NOC from HP Co, and clearance of Govt. Dues, if any.

Item No: 9

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 10

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 11

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 12

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 13

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable..

Item No: 14

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable..

Item No: 15

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable..

Item No: 16

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 17

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable..

Item No: 18

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable..

Item No: 19

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 20

Heard, ***transfer of permit is allowed***, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Item No: 21

The grantee is absent. This a request to condone the delay in submitting current records for the fresh auto rickshaw permit with halting place at Sulthan Bathery Municipality. Fresh permit was granted by RTA and proceedings issued on 27/12/2018. But produced the current records only on 20/06/2019. Hence, Secretary is directed to issue proper notice to the grantee and place the request before this authority in the next meeting. Hence **decision on the request is adjourned**.

Item No: 22

1. Peruse the judgment in WP(C) No.525/2019, WP(C) No.31172/2018, WP(C) No.21771/2018 and WP(C) No.12687/2019, WPC 12687/2019, WP(C) NO. 23187/2019.

2. Peruse all the concerned documents, request and applications.

3. Heard, all the concerned who were present. These applications and request are for obtaining fresh parking permit or altering the existing permits in respect of auto rickshaws in Sulthan Bathery municipality. The secretary, Sulthan Bathery Municipality had informed that it is not possible to provide any more parking permits in Sulthan Bathery because of scarcity of parking place. All available parking places are fully utilized by the existing permit holders and there is no possibility to allow anymore parking permits for Auto rickshaws. Hence **applications and request are adjourned** for want of detailed report from RTO.

Item No: 23

1. Peruse the judgment in WP(C) No.16238/2012, WP(C) No.31889/2016 and WP(C) No.6930/2019.

2. Peruse all the concerned documents, request and applications.

3. Heard, all the concerned who were present. These applications and request are for obtaining fresh parking permit or altering the existing permits in respect of auto rickshaws in Mananthavady. The secretary, Mananthavady Municipality had

informed that it is not possible to provide any more parking permits in Mananthavady because of scarcity of parking place. All available parking places are fully utilized by the existing permit holders and there is no possibility to allow anymore parking permits for Auto rickshaws. Hence **applications and request are adjourned** for want of detailed report from RTO.

Item No: 24

Heard, Perused the judgments of Hon'ble High Court of Kerala, considered the requests/applications for fresh auto rickshaw permits with halting place at Kalpetta. In order to consider the application, a team of officers constituted by the Motor Vehicles Department, Police, PWD Roads and Highways and Kalpetta Municipality conducted an enquiry and inspected various places in the Kalpetta Municipality and suggested the places such as **Puliyarmala, ITI, Ponnata, Vallarmkunnu, AR Camp, Maravayal** are available for parking the auto rickshaws in Kalpetta Municipality.

On perusal of records, it is seen that many applications are not in prescribed form and requisite fee. This authority can consider only proper applications in the prescribed form and with requisite fee. The requirement of submitting applications in the prescribed form and remitting requisite fee are pointed out by the Hon'ble High Court in the above judgments. Hence permits are **granted** in the above places to those applicants who have filed proper applications in the prescribed form with requisite fee.

Item No: 25

Heard, This is a request for prior sanction for allowing private parking place. Consent of the local authorities such as police, Panchayath are required as per section 117 of Motor Vehicle Act 1988, in this case. Secretary is directed to obtain NOC from concerned Police authorities and place the request before the authority in the next meeting. Hence decision on the request is **adjourned**.

Item No: 26

No action of Secretary are placed for ratification.

Item No: 27

No other items admitted by Chairman

Item No: 28

Will be fixed later.

Supplementary Item No: 01

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Supplementary Item No: 02

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Supplementary Item No: 03

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Supplementary Item No: 04

Heard, **transfer of permit is allowed**, subject to clearance of Govt. Dues, if any and production of NOC from HP Co., if applicable.

Supplementary Item No: 05

Heard. This is an application for fresh regular Stage Carriage permit to operate on the route Ambedkar Hospital- Kottakkandy- Thoochal- Palamukku- Edavaka Panchayath office Jn- 2/4- Mananthavady- Pallickal- Kallody- Thettamala- Makkiyad- Niravilppuzha as ordinary service. The report of the enquiry officer reveals that the total length of the route is 28.8 KM. The distance of overlapping with notified route is 0.70Km, which is within the permissible limit prescribed under clause 5(C) of GO(P) No. 08/2017/Tran dated 23/03/2017. There is a virgin portion from Kottakkandy to Kappamchal (2.1Km). This road is reported having enough width and fit for bus service. A new fare stage is suggested at Odayott

Junction by the enquiry officer. It is also reported that proposal will be highly beneficial to the travelling public. Hence, fresh regular permit is **granted** to suitable stage carriage subject to settlement of timings with a new fare stage at Odayott Junction. The grantee of the permit is directed to produce the current records of a suitable stage carriage for endorsing the **granted** permit as specified in the decision of STA held on 16.01.2019 in departmental item 1, that the upper age limit for applying and granting fresh regular permit to ordinary, city/Town and LSOS stage carriage as eight years, within thirty days from the date of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

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