

DECISION OF THE REGIONAL TRANSPORT AUTHORITY, VATAKARA
HELD ON 23.06.2016
AT COLLECTORATE CONFERENCE HALL, KOZHIKODE.

- Present:**
- 1. Sri. N. Prasanth, IAS,
District Collector and Chairman,
Regional Transport Authority,
Vatakara.**

 - 2. Sri. N. Vijayakumar, IPS,
Superintendent of Police,
Kozhikode (Rural) and
Member, RTA, Vatakara.**

 - 3. Sri. B J Antony,
Deputy Transport Commissioner,
North Zone, Kozhikode and
Member, RTA, Vatakara**

Item No: 01

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Abdul Majeed for the grant of fresh stage carriage permit in respect of S/C KL 18 A 777 to operate on the route Kuytheri – Nadapuram – Chuzhali – Mullambath – Kuruvantheri - Vanimel. This application has been considered by this RTA in item No. 10 dt. 16.02.2016 and granted a regular permit subject to production current records of the vehicle. The grantee was directed to produce the records of a suitable stage carriage within one month from that day. Where the applicant is unable to produce the vehicle within the said period of one month, the period further extended for one more month on application in writing with valid reason. It was cleared that in case the applicant fails to produce the required document of the vehicle even within the additional period allowed the grant of permit will stand revoked with effect from 17.04.2016.

In this case the applicant failed to produce the records of the vehicle as already decided by this RTA. The applicant requested to condone further delay occurred. This item ought not have find place in this agenda. This authority cannot review its own decision. Request for condonation of delay **rejected**.

Item No: 02

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Babychan for the grant of fresh stage carriage permit to operate on the route Koorachundu – Cherukkad – Perambra - Koottalida. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988. However a regular permit is **granted** for a period of 5 years as applied for subject to settlement of timings with fixing of two fare stages on the virgin portion one at Cherukkad and other at Kayanna.

The grantee is directed to produce the records of a suitable stage carriage within one month from today. Where the applicant is unable to produce the vehicle within the said period of one month, the period may be further extended for one more month on application in writing with valid reasons. In case the applicant failed to produce the records the vehicle even within the additional period allowed, the grant of permit will stand revoked with effect from 22.08.2016.

Item No: 03

Heard Adv. Abdul Latheef, the learned counsel represented the applicant Smt. Girija for the grant of fresh stage carriage permit to operate on the route Kattilpeedika - Thoovappara – Pookkad beach - Koyilandy - Ulloorkadav. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988. Today the applicant offered a vehicle KL 56 A 6039 stage carriage.

The proposed route comprises of a virgin portion from Thoovappara to Market road Jn. (6 kms). Some corrections are seen in the road fitness certificate obtained from the Asst. Exe. Engineer, Harbour Engineering Dept., Koyilandy. The Secretary, RTA in directed to obtain a road fitness certificate duly authenticated by concerned authority. Hence adjourned.

Item No: 04

Heard Adv. G. Prabhakaran, the learned counsel represented the applicant Sri. Abdul Khader for the grant of fresh stage carriage permit in respect of S/C KL 11 AL 1116 to operate on the route Vengalam – Thoovappara – Kappad beach - Koyilandy. On verification, it is found that this vehicle is covered by a regular permit No. 18/319/2004 valid up to 23.03.2019. No further permit can be granted to a vehicle already having another permit on a different routes. The counsel for the applicant has submitted that an application for replacement of vehicle in the existing permit is pending in the office. Hence the Secretary, RTA in directed to verify the status of the replacement application and place in next RTA. Hence adjourned.

Item No: 05

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Smt. Anitha for the grant of fresh stage carriage permit in respect of KL 13 P 6939 to operate on the route Pasukadav – Mullankunnu – Kuttyadi – Kumbalachola – Vilangad - Perambra. The field officer recommended the grant of permit. Hence a regular permit is **granted** for a period of 5 years as applied for subject to settlement of timings.

Item No: 06

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Razak for the grant of fresh stage carriage permit to operate on the route Kurumpoyil – Koottalida – Balussery - Kozhikode. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988. Today also he has no ready vehicle. There is objection by KSRTC and other operators against the grant stating that, the same will be against the decision taken by this authority on 25.12.2000. The Secretary RTA shall verify the same and submit in the next meeting. Hence adjourned.

Item No: 07

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Babychan for the grant of fresh stage carriage permit in respect of KL 56 N 1099 to operate on the route Balussery – Koottalida – Koorachundu – Perambra - Palliyath (via) Manhapalam, Chedikulam, Padikkunnu, Colony mukku, Moolad, Puliyittumukku, Chalikkara, Muliyangal, Narayamkulam, Kappimukku, Kayanna, Chembra, Koderichal, Kallode and Edavarad. Objection raised in the meeting as the proposed permit is for a combination of various routes. The field officer recommended the grant of permit. Verified the matter. The objection is not sustainable in law and hence overruled. A regular permit is granted for a period of 5 years as applied for subject to settlement of timings.

Item No: 08

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Pavithran for the grant of fresh stage carriage permit to operate on the inter district route Chathankottunada – Thottilpalam – Nadapuram - Thalassery. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988.

The proposed route is an inter-district one and a portion of the route is falls within the jurisdiction of the RTA, Kannur. The Secretary RTA is directed to seek prior concurrence from the RTA, Kannur for the route portion lies within that authority. Hence adjourned.

Item No: 09

Heard Adv. Babu Karthikeyan, the learned counsel represented the applicant Sri. Ayoob for the grant of fresh stage carriage permit to operate on the inter district route Thottilpalam – Nadapuram - Thalassery. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988. Today the applicant offered a vehicle KL 18 H 8001 stage carriage.

The proposed route is an inter-district one and a portion of the route is falls within the jurisdiction of the RTA, Kannur. The Secretary RTA is directed to seek prior concurrence from the RTA, Kannur for the route portion lies within that authority. Hence adjourned.

Item No: 10

1) Perused the judgment of the Hon'ble High Court in WP(c) No. 39933/2015 dt. 08.02.2016.

2) Heard Adv. Prasadchandran, the learned counsel represented the applicant Sri. Suresh. U M for the grant of fresh stage carriage permit to operate on the route Perambra – Koorachundu – Kakkayam – Balussery. The applicant has not furnished the mandatory details in the application under Rule 143(a) of KMV Rules 1989 such as registration number, type etc required under Section 70 (1) of MV Act – 1988. Today the applicant offered the vehicle KL 11 R 9191 stage carriage, which is registered in the name of one Mr. Sivaraman at the RTO, Kozhikode. It is submitted that the vehicle is purchased by the applicant from the registered owner by executing an agreement in stamp paper. Hence the Secretary, RTA in directed to verify the sale agreement, if any and place the matter before the next RTA. Hence adjourned.

Item No: 11

Heard the representative of KSRTC. A regular permit is granted as applied for in respect of KL 15 8755 with the proposed timings.

Item No: 12

Heard the representative of KSRTC. Temporary permits are granted for four months to KSRTC buses KL 15 8941, KL 15 8940, KL 15 5075 and KL 15 9200 as applied for with the proposed timings.

Item No: 13

Heard. Granted concurrence for renewal of permit in respect of S/C KL 67 4900 permitted to operate on the route Panathur – Koruthode as LSOS (via) Vatakara.

Item No: 14

Heard. Granted concurrence for renewal of permit in respect of S/C KL 58 D 9172 permitted to operate on the route Keezhpally – Kozhikode as LSOS via Vatakara and Koyilandy.

Item No: 15

Heard. Granted concurrence for renewal of permit in respect of S/C KL 58 E 3283 permitted to operate on the route Kottiyoor – Kozhikode as LSOS via Vatakara and Koyilandy.

Item No: 16

Heard. Granted concurrence for renewal of permit in respect of S/C KL 59 G 2952 permitted to operate on the route Pulingom – Kozhikode as OS via Vatakara and Koyilandy.

Item No: 17

Heard. Granted concurrence for renewal of permit in respect of S/C KL 08 BD 4500 permitted to operate on the route Koottupuzha - Thrissur as LSOS via Vatakara and Koyilandy.

Item No: 18

Heard. Granted concurrence for renewal of permit in respect of S/C KL 58 D 3209 permitted to operate on the route Aralam – Kozhikode as OS via Vatakara and Koyilandy.

Item No: 19

Heard. This is a request from the Secretary, RTA, Kannur for prior concurrence in respect of a fresh permit to operate on the route Thalassery – Valayam (via) Koppalam, Edayilpeedika, Parat, Kunnothparamb, Kaivelikkal, N Poyiloor, Thoovakkunnu, C Poyiloor, Kallikkandi, East Chettakandi, Vilakkottoor, Nellikkaparamba, Kallunira, Kundungara, Peringathur, Kadavathur and Thandaparam. On verification, it revealed that almost all intermediate points furnished are lie within the jurisdiction of the RTA, Kannur. The length and via of the proposed route traverse through the jurisdiction of this RTA, are not revealed. The Secretary, RTA is directed to get necessary details of the portion of the route for which concurrence is sought. Hence adjourned.

Item No: 20

Heard. Granted concurrence for renewal of permit in respect of S/C KL 58 D 3209 permitted to operate on the route Aralam – Kozhikode as OS via Vatakara and Koyilandy.

Item No: 21

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL 16 D 4777 permitted to operate on the route Vatakara – Villyappally – Thanneerpanthal - Kakkattil. The transfer of permit from the first applicant Sri. Sajith to the second applicant Sri. Sajeesh **allowed**.

Item No: 22

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL 52 A 4014 permitted to operate on the route Gulikapuzha - Ayancheri - Vatakara. The transfer of permit from Sri. Ismail to the second applicant Smt. Ashija **allowed**.

Item No: 23

Heard Adv. G. Prabhakaran, learned counsel represented first applicant in respect of permit No.18/324/2004 covered with a leased vehicle S/C KL 02 R 2801, permitted to operate on the Sandbanks – Vatakara – Kottakkal – Arabic college - Malolmukku. He has submitted that the procedures for transfer of permit with the 2nd applicant not completed and requested to adjourn the item. The second applicant was absent . Hence adjourned.

Item No: 24

Heard Adv. Babu Karthikeyan learned counsel represented both the applicants in respect of S/C KL 18 A 9231 permitted to operate on the route Vatakara – Perambra - Thamarassery. On perusing the records an objection is seen filed against the transfer of this vehicle by Sri. B. Rajeevan, Secretary, Kerala Motor Employees Association, INTUC, Perambra in connection with a labour dispute. Though the matter is not connected with this authority, the objector was called for a personal hearing for consideration, but not appeared. The transfer of permit from Sri. Ramesan to the second applicant Sri. Vipin allowed.

Item No: 25

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL 18 F 117 permitted to operate on the route Vatakara – Nadapuram - Thottilpalam. The transfer of permit from Smt. Chadri to the second applicant Sri. Viswanathan allowed.

Item No: 26

Heard Adv. Babu Karthikeyan, learned counsel represented the applicant in respect of S/C KL 18 K 7475 permitted to operate on the route Pasukadav – Kuttyadi – Thottilpalam - Perambra. Transfer of permit (on death) allowed in the name of the legal heir Smt. Omana as applied for.

Item No: 27

Heard Adv. Babu Karthikeyan, learned counsel represented the applicant in respect of S/C KL 18 E 4797 permitted to operate on the route Aroor – Kuttyadi – Theekkuni - Vatakara. Transfer of permit (on death) allowed in the name of the legal heir Sri. Jithukrishnan as applied for.

Item No: 28

Heard Adv. Babu Karthikeyan, learned counsel represented the applicant in respect of S/C KL 18 E 8808 permitted to operate on the route Vatakara – Puthiyangadi - Iringannur. Transfer of permit (on death) allowed in the name of the legal heir (Smt. Sona) as applied for.

Item No: 29

Heard Adv. Babu Karthikeyan, learned counsel represented the applicant in respect of S/C KL-11-P-7582 permitted to operate on the route Avala – Koyilandy - Kozhikode. Transfer of permit (on death) allowed in the name of the legal heir Smt. Fathima as applied for.

Item No: 30

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL-56-G-5298 permitted to operate on the route Balussery- Panangad- Kurumpoil- Vakayad. The transfer of permit from Sri. Damodaran K V to the second applicant Sri. Ullas allowed.

Item No: 31

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL-57-3651 permitted to operate on the route Payyoli- Perambra- Balussery. The transfer of permit from Sri. Yoosuf to the second applicant Sri. Muraleedharan P P allowed.

Item No: 32

Heard Adv. G. Prabhakaran, learned counsel represented both the applicants in respect of S/C KL-56-G-9654 permitted to operate on the route Thalassery -Mahe- Vatakara- Kozhikode. The transfer of permit from Smt. Sameeja to the second applicant Sri. Ramshad V P allowed. Subject to settlement of the Government dues if any.

Item No: 33

Heard Adv. Abdul Latheef, learned counsel represented both the applicants in respect of S/C KL-18-C-8514 permitted to operate on the route Vatakara-Madappally college-Mahepalam - Thalassery. The transfer of permit from Sri. Aravindan to the second applicant Sri. P P Vijayan allowed.

Item No: 34

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of S/C KL-56-F-591 permitted to operate on the route Thamarassery-Koyilandy-Kozhikode. The transfer of permit from Sri. Abdu Shukkur to the second applicant Sri. Faisal Parakkal allowed as applied for subject to production of NOC from the financier, within one month.

Item No: 35

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of KL-18-C-5949 permitted to operate on the route Peruvayal- Perambra- Vatakara. The transfer of permit from Sri. Mujeeb to the second applicant Sri. Chandran E T allowed.

Item No: 36

Heard Adv. Babu Karthikeyan, learned counsel represented both the applicants in respect of KL 18-Q-4455, permitted to operate on the Peringathur-Kozhikode as LSOS. The transfer of permit from Smt. S P Kadeeja to the second applicant Sri. Muhammedali allowed.

Item No: 37

Heard Adv. Babu Karthikeyan, learned counsel represented for the applicant. Delay condoned subject to remittance of Rs 4000/- as compounding fee. Renewal of permit granted for five years with effect from 04.11.2015 in respect of S/C KL 18 D 2736 on the route Kakkattil-Theekkuni-Vatakara – Nadapuram- Kumbalachola.

Item No: 38

Heard. Adv. Babu Karthikeyan, learned counsel represented for the applicant. Delay condoned subject to remittance of Rs 1000/- as compounding fee. The Secretary, RTA is directed to seek concurrence for renewal of permit from sister RTAs in respect of S/C KL 56 B 3141 to operate on the inter district route Thalassery- Kozhikode - Guruvayoor as LSOS (via) Mahe, Vatakara, Feroke NB, Kottakkal, Valanchery, Edappal, Kuttippuram and Kunnamkulam. Hence adjourned.

Item No: 39

Applicant absent. Hence adjourned.

Item No: 40

Duplication of item No. 39- deleted

Item No: 41

Heard., Adv. G. Prabhakaran, learned counsel represented for the applicant. The Secretary, RTA is directed to seek concurrence for renewal of permit from sister RTAs in respect of KL 58-F-8490 to operate on the inter district route Kuttikattoor - Kozhikode - Vatakara – Mahe - Thalassery – Kannur as LSOS. Hence adjourned.

Item No: 42

1) Perused the judgment in WP(c) No. 7916/2016 Dt.09.03.2016, wherein it was directed to consider the application for replacement after renewal of permit.

2) Heard. Adv. Babu Karthikeyan, learned counsel represented for the applicant Sri. Kunhammedkutty. This item consists of applications for permit renewal, which is belated, for regular variation by conversion of service from LSFP to LSOS and for replacement of the vehicle with a leased out vehicle.

On perusal of the file revealed the following. Pursuant to a direction of the Hon'ble High Court dated 11.08.2015 in WP(c) No. 23757/2015, the S/C KL 10 AF 2936 was released on 31.08.2015 from the permit No. 18/02/1991 by keeping the permit under suspended animation. The court also directed the petitioner in the WP(c) No. 23757/2015 to replace the vehicle within a time limit of 4 months. The applicant failed to comply this direction (to produce vehicle within 4 months) of Hon'ble High Court. In the result the permit deemed as cancelled with effect from 30.12.2015.

Further, the validity of original permit was expired on 24.01.2016. The permit holder also failed to apply for renewal within the prescribed time limit. The renewal application is seen filed on 14.01.2016, that too without offering a suitable vehicle. No application for condonation of delay filed so far. On 21.01.2016 an application is seen filed for replacement with an old model vehicle, not owned by him, stated as acquired through a lease agreement.

The direction contained in the Judgment in WPC No. 7916/2016 of Hon'ble High Court of Kerala dated 09.03.2016 is that, to consider the replacement application after the renewal of the permit. Renewal of the permit cannot be granted due to the following reasons,

- a) As there is no vehicle in the permit;
- b) The permit was deemed as cancelled w.e.f. 30.12.2015; and
- c) The belated application without request for condonation of delay.

Hence renewal rejected.

The application for conversion and replacement of the vehicle does not stand.

Item No: 43

1) Perused the judgment in WP(c) No 19383/2016 Dt.06.06.2016, wherein it was directed to take decision in accordance with law.

2) Heard., Adv. G. Prabhakaran and Adv. Prasad Chandran, the learned counsels represented for the 1st and 2nd applicants, Sri. P.K.Shyju and Sri. Usama Riyalu respectively. Both of them have claimed for substitute temporary permit to operate in place of S/C KL 41 D 124 to operate on the route Ernakulam South Bus stand - Guruvayoor - Kozhikode – Thalassery as LSOS.

On perusal of records it revealed that S/C KL 56 L 9797, offered by 1st applicant, Sri. Shyju, is seen held under a lease agreement with Smt. Vineetha, Nivedyam, Chovva. PO, Kannur for a period of two years from 21.08.2015. As per this deed of lease full control and possession of S/C KL 56 L 9797 is vested with Smt. Vineetha. During this period Sri. Shyju has no right to apply for temporary permit in respect of S/C KL 56 L 9797 and hence rejected.

It is not fair to place substitute temporary permits for twenty days before the RTA, where there is delegation of powers to Secretary RTA. Secretary RTA is directed to dispose the remaining application in respect of S/C KL 56 E 8574 for substitute temporary permit for twenty days, on the date of publication of this decision, considering the situation on that day.

Item No: 44

Heard., Adv. G. Prabhakaran learned counsel represented the applicant for considering the variation application in respect of S/C KL 57 G 536, permitted to operate on the route Koyilandy Rly Station – Koyilandy – Balussery – Thamarassery - Adivaram.

1) Perused the judgment dated 11.09.2015 in WP(c) No 26776/2015, wherein it was directed to consider the variation application.

2) The variation application contains curtailment of the route from Thamarassery to Adivaram. Though there is a curtailment, the enquiry officer has reported that the curtailment portion is well served with stage carriages. There is no objection before this authority. Hence granted variation as applied for without change in the existing timings.

Item No: 45

Heard., Adv Babu Karthikeyan, the learned counsel represented the applicant Mr. Pavithran for regular variation of permit in respect of S/C KL 18 B 903, permitted to operate on the route Chombal Harbour - Mukkali – Vatakara – Kottamthuruthy - Koyilandy – Muchukunnu.

There is curtailment of route on the less served route, 03 km from Kottakkadav to Kottamthuruthy for which no necessity under rule 145(6) is reported or establish by the applicant. No benefit to public is offered. There will be severe shortage of traveling facility if the variation allowed and the change in the existing timings also will adversely affect them. Hence rejected.

Item No: 46

Heard., Adv Babu Karthikeyan, the learned counsel represented the applicant Mr. Pavithran for regular variation of permit in respect of S/C KL 18 F 8399, permitted to operate on the route Perumundasseri – Ayancheri – Thaneerpanthal – Cherandathur - Aroor.

There is curtailment of trip on the less served route from Vatakara to Cherandathur by change in the evening trip for which no necessity under rule 145(6) is reported or establish by the applicant. Objection received in the meeting against this proposed curtailment of trip. The Secretary, RTA is directed to conduct a detailed study in this regard and place in the next RTA. Hence adjourned.

Item No: 47

Heard., Adv Babu Karthikeyan, the learned counsel represented the applicant Mr. Pavithran for regular variation of permit in respect of S/C KL 58 A 2354, permitted to operate on the route Vatakara – Theekkuni – Kuttiyadi.

There is an addition of a round trip from Ayancheri to Vatakara. The proposed addition of trips to Vatakara will result in addition of trips on the notified sector, 800 mts from Vatakara New bus stand Jn to Nut Street, which will violate clause – 19 of Govt. Notification No. 42/2009Tran dt. 14.07.2009. Hence rejected.

Item No: 48

Heard., Adv G. Prabhakaran, the learned counsel represented the applicant for regular variation of permit in respect of S/C KL 57 G 8381, permitted to operate on the route Hill Bazar – Koyilandy – Kozhikode – Medical College.

There is curtailment of service on the less served route, 06 km from Kozhikode to Medical College for which no necessity under rule 145(6) is reported or establish by the applicant. No benefit to public is offered. This is the

only service from Hill bazaar to Medical College and the proposed curtailment will adversely affect them. Daily mileage is seen reduced from 272 km to 248 km. Hence rejected.

Item No: 49

Heard., Adv. Abdul Latheef, the learned counsel represented the applicant for regular variation of permit in respect of S/C KL 18 D 3321, permitted to operate on the route Vatakara – Ayancheri – Theekkuni - Kuttyadi.

Severe objections arised in the meeting against the proposed variation as the application is made only after 5 months from the fresh issue of regular permit. There is reduction of 03 round trips from Theekkuni to Kuttyad for which no necessity under rule 145(6) is reported or establish by the applicant. The proposed reduction of trips will adversely affect the public. Hence rejected.

Item No: 50

Heard., Adv. Abdul Latheef, learned counsel represented the applicant in respect of S/C KL 18 C 6629, permitted to operate on the inter district route Vatakkumbad – Thalassery – Vatakara - Ayancheri. The enquiry officer reported that the proposed change in time of the trip to Vatakkumbad is much useful to the passengers. Hence the variation **granted** as applied for subjected to settlement of timings.

Item No: 51

Heard., Adv. G. Prabhakaran learned counsel represented the applicant for reconsidering the variation application in respect of S/C KL 58 B 189, permitted to operate on the route Ayancheri – Vatakara – Kozhikode for conversion of the service from Ordinary to LSOS.

1) Perused the judgment in WP(c) No. 13562/2016 dt. 06.04.2016, wherein the court has ordered to pass final orders on the request for conversion of service from OS to LSOS.

2) The variation application filed on 26.10.2015 vide No. 18/92486/2015 has been considered by this authority and disposed as rejected. Further this authority cannot review its own decision on an application in white paper. The applicant requested vide a letter dt.16.03.2016 to reconsider the same without applying in the prescribed manner and without paying the required fees. No action was taken on that application by the Secretary RTA. On compliance to the judgement in WPC No. 13562/2016 produced by the applicant, the said application considered. The applicant heard through the advocate today. There is no merit in the application and the application was found defective for want of prescribed form and prescribed fees. Hence rejected.

Item No: 52

Heard., Adv. G. Prabhakaran learned counsel represented the applicant for reconsidering the variation application in respect of S/C KL-56-1989 permitted to operate on the route Kolavipalam - Vatakara –Kozhikode for conversion of the service from Ordinary to LSOS.

1) Perused the judgment in WP(c) No. 16292/2016 dt. 29.04.2016, wherein the court has ordered to pass final orders on the request for conversion of service from OS to LSOS.

2) The variation application filed on 01.02.2016 vide No. 18/9369/2016 has been considered by this authority and disposed as rejected. Further this authority cannot review its own decision. The applicant requested vide a letter dt.16.03.2016 to reconsider the same without applying in the prescribed format attaching the fees receipt. No action was taken on that application. But a judgment was produced by the applicant for consideration of the said application. The applicant was heard through the advocate today. There is no merit in the application and the application was found defective for want of prescribed form and prescribed fees. Hence rejected.

Item No: 53

Heard the applicant. The application is for regular variation of permit in respect of S/C KL-56-L-3929 permitted to operate on the route Balussery – Koottalida – Ambalamukku – Naduvannr - Ulliyeri – MMC. There was no objection. The regular variation is granted as applied for subject to settlement of timings.

Item No: 54

Heard., Adv Babu Karthikeyan, the learned counsel represented the applicant for regular variation of permit in respect of S/C KL-18-6138 permitted to operate on the route Vadakara- Koyilandy Perambra - Theekuni.

There is curtailment of trip on the less served route from Perambra to Nandibazar 37 Kms (last one trip) will adversely affect the travelling public for which no necessity under rule 145(6) is reported or establish by the applicant. More over in the meeting Bus Passengers have strongly objected the proposed curtailment of last trip from Vatakara to Nandi Bazar. No benefit to public is offered in the change of halting place and it will violate Section 80 (3) of MV Act. Hence rejected.

Item No: 55

Heard., Adv G. Prabhakaran, the learned counsel represented the applicant for regular variation of permit in respect of S/C KL-11-AG-1119 permitted to operate on the route Katameri-Vatakara-Kozhikode as LSOS by

Change of halting place from Kozhikode to Vatakara and change in the trip to Kadameri.

There is curtailment of trip on the less served route from Vatakara to Katameri by change in the evening trip for which no necessity under rule 145(6) is reported or establish by the applicant. More over in the meeting the President, Katameri- Ayancheri Bus Pasengers Association has strongly objected the proposed curtailment of evening trip to Katameri. No benefit to public is offered in the change of halting place and it will violate Section 80 (3) of MV Act. Hence rejected.

Item No: 56

Heard., Adv. G. Prabhakaran, learned counsel represented the applicant in respect of KL-56-F-9310 permitted to operate on the route Pisharikavu temple- Koyilandy-Balusserly-Thamarasery by curtailment of 3 round trip from Koyilandy to Pizharikavu temple. The enquiry officer reported that so many services are conducting on the above said route portion from Koyilandy to Anakulam junction, so the reduction of 3 round trip portion from Koyilandy to Pizharikavu temple will not affect the travelling public. Hence the variation granted as applied for subject to settlement of timings.

Item No: 57

Heard., Adv Abdul Latheef, the learned counsel represented the applicant for regular variation of permit in respect of S/C KL-56-C-3015 permitted to operate on the route Koyilandy Rly Station- Koyilandy- Thamarassery-Omassery.

The enquiry officer reported that the proposed variation will not adversely affect the travelling public. Hence the variation granted as applied for subject to settlement of timings.

Item No: 58

- 1) Perused the Judgments of Hon'ble High Court of Kerala in WP(C) No. 3575/2016, 4103/2016, 7415/2016, 7988/2016, 10859/2016 & 13278/2016.
- 2) Heard the representative of 98 applicants as per agenda.
- 3) Considered suggestions of Municipal Chairman, Vatakara, Inspector of Police, Vatakara, Asst. Engineer, PWD, Vatakara and Motor Vehicles Inspector Vatakara.

The matter has been considered in greater detail in the light of various reports and representations (detailed below);

1) Municipal Chairman, Vatakara Municipality

He suggested to stop further issue permits for autorickshaws (VM Permit) in Vatakara Municipality, in view of traffic congestion.

2) Circle Inspector of Police, Vatakara

He is on the view that, the autorickshaws of Vatakara Municipality are parking at road sides and other places violating the directions of Hon'ble High Court of Kerala. Further he stated that there is lack of availability of space to park autorickshaws in Vatakara Municipality. He has also stated that there is lack of availability of autorickshaws for commuters at peak hours.

3) Motor Vehicles Inspector Vatakara.

He has reported that developments in roads and parking facilities are still poor in the in Vatakara town. At present there is no adequate facility even for the existing Municipal Autorickshaws to conduct service in Vatakara. Moreover, as far as concerned with the enormous multiplication in the number of other vehicle also, he is of the view that more VM permit in Vatakara is not feasible.

He also reported that, though the VM Permits are meant for service within the whole municipal area, 90% of vehicles are concentrating the service within the town, causing traffic congestion. He also reported that there is situation of lack of availability of autorickshaws for commuters. Further, he stated that the existing vacancies of VM Permits are to be filled to solve the problems.

As per the records before this authority, about 366 Municipal autorickshaw permits (VM Permits) are vacant and are still available for issue by the Secretary RTA. In fact, there are only 98 applications for VM Permits before this authority for consideration today. At this point of time, this authority cannot refuse to the grant and issue of municipal permits (VM Permits), having declared that there existed 366 vacancies of permits.

The RTA Vatakara has no authority to limit the number of contract carriage permits including autorickshaw permits as per the provisions of Section 74(2) of MV Act 1988. The number of contract carriage permits has been limited by the notification, only in the three cities of Kerala. No such restriction or limitation has ever been notified in this regard to Vatakara Municipal town. There are circumstances which warrant more number of permits in view of the facts that the existing number of permits are not enough to meet the ever increasing demands of public, especially in peak hours. Moreover, the aspirants for

autorickshaw permits are on the increase to accommodate the idling youths of Kerala State.

Having regard to the aforesaid facts , circumstances, the public interest and the right of citizen, the suggestions put forth is turned down making it clear that this authority is not inclined to refuse applications for permit of bonafide applicants. Hence granted all the permits in this item. While considering such applications, the Secretary RTA shall take in to consideration the following;

- 1) The necessity of avoiding trafficking in permit by the applicants if any;
- 2) The number of existing parking place and number of vehicles permitted parked at a such places;
- 3) Where there is no provisions for parking place at any of such places within the Municipal Town, the Secretary is free to specify that vehicle shall be normally kept/ stationed/parked at the residence of permit holder or other convenient places if any.

The Secretary shall not ordinarily bring before this authority for considering the matters for which the powers have been specifically delegated to him.

Item No: 59

This item is to decide the life span of stage carriages operating as **Limited Stop Ordinary service** in view of the Government Order NO. G.O(MS) 45/2015 Trans dated 20.08.2015 and the decision of STA Kerala in its meetings held on 18.11.2015 as departmental item. The STA is on opinion that 'in the interest of public safety and convenience the vehicle plying on longer routes with Limited stop Ordinary Service shall be of lesser age and of sound condition. With a view to achieve this objective the STA decided to fix the life of ordinary stage carriage services with limited stops as 10 years (ten) from the date of original registration of the vehicle.'

While considering the item in detail some stage carriage operators objected the reduction of age from 15 years to 10 years. We remember that there was application by the existing operators before this authority to fix age limit of all stage carriages applying for fresh permit to five years. And it is understood that the STA has taken the decision after conducting detailed study and hearing the connected parties. Hence the objections are not sustainable.

In this context the Hon'ble Supreme Court of India is of the view that, fixing of age to vehicles is obviously in the public interest because, old vehicles can cause accidents and inconvenience (2010(4) KLT 597-Supreme Court). Further the fast growing technological development shall not be refused to public and we have to consider the latest judgement of National Green Tribunal also into account in this case.

Hence life span of stage carriages of limited stop ordinary services is fixed as ten years from the date of original registration in view of the above. The existing (LSOS) vehicles which are completed ten years shall be replaced within a period of one year from today(23.06.16) or at the time of renewal of permit whichever comes earlier.

Item No: 60

Perused the decision of STA dated 29.02.2016 in item no. 12, which is vague and nonspecific. The increase in distance from the existing 20 kms to 50 kms for the grant of general concurrence on renewal applications of stage carriages has been adequately considered by the STA. But no decision has been taken at that end. The matter has been left at the discretion of respective RTAs. This RTA find no reason for the grant of general concurrence for a distance upto 50 Kms. The legal impediments in granting general concurrence has been highlighted in the decision of STA itself which cannot be overridden by this authority. Hence rejected.

Item No: 61

Ratified the action taken by Secretary, RTA Vatakara as per law.

Item No. 62

Nil

Item No. 63

Will be intimated later.

Supplementary Item No- 01

Discussed the matter in detail regarding further issue of autorickshaw permit with halting place at koyilandy municipal area. It is understood that about 253 applications for autorickshaw permits with halting placing at Koyilandy municipal area is pending before joint RTO, Koyilandy. Out of this, 100 numbers of permits were already allowed to grant and processing of that application are on progress. Further grant and issue is requested in respect of above 153 pending application.

Several aspects such as, parking facility, traffic density, direction from High Court regarding halting place and public demand etc. were considered. The Joint RTO Koyilandy is allowed to grant further 150 additional municipal autorickshaw permit(KM permit) for the applicants already in the above list with

compliance of following conditions and subject to the direction of High Court regarding the halting/stationing of autorickshaws.

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Supplementary Item No- 02

Perused the application of Sri. Sunil Kumar T V for the grant of common carrier as per road carriage Act – 2007. The request allowed.

**Sri. N. Prasanth, IAS,
District Collector and Chairman,
RTA, Vatakara.**

Sd/-

**Sri. N. Vijayakumar, IPS,
Superintendent of Police,
RTA, Vatakara.**

Sd/-

**Sri. B J Antony,
Deputy Transport Commissioner,
RTA, Vatakara.**

Sd/-