

DECISION OF REGIONAL TRANSPORT AUTHORITY MUVATTUPUZHA

HELD ON 17-03-2018

**Present:(1)Sri.Mohammed 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.M P Ajithkumar-Deputy Transport Commissioner-CZ-II,
Ernakulam &Member RTA Muvattupuzha.**

Item No-1

Heard ,the learned Counsel represented the applicant . This is an application filed for renewal of regular permit in respect of **KL 06 F 5875** to operate on the route Perumbavoor-Thripunithura (Via) Vengola, Onamkulam, Kizhakambalam, Karimugal as ordinary moffusil service. This permit was seen issued prior to 14/07/2009 and the distance of overlapping is within the permissible limit. It is reported that out of the total route length of 63.3 km the major portion of the route ,a distance of 44.5 km lies under the jurisdiction of RTA Ernakulam. Hence the renewal of regular permit is allowed and Secretary RTA is directed to forward the connected file to Secretary RTA Ernakulam after endorsing the granted renewal.

Item No-2

Heard ,the learned Counsel represented the applicant. This is an application filed for variation of regular permit in respect of stage carriage **KL 44 E 6959** on the route Chathamattom-Perumbavoor as Chathamattom-Perumbavoor- Thodupuzha by extending the route from Paingottoor to Thodupuzha (Via) Kaloor and Ezhallor and return to Chathamattom (Via) Paingottor as Ordinary service. It is reported that in the proposed variation, the route covers a distance of 15 km under the jurisdiction of RTA Idukki and will overlap a distance of 1.0 km from Thodupuzha bus stand to Thoppilkadavu palam with the Aluva- Kattappana notified scheme.

Hence the application is adjourned and Secretary RTA is directed to call concurrence of RTA Idukki in accordance with sub rule (2) of rule 171of KMV rule 1989 .

Item No-3

Heard the learned Counsel represented the applicant. This is an application for variation of regular permit in respect of stage carriage **KL 16 D 5455** on the route Angamaly- Kolencherry and intend to be varied as Angamaly- Kolencherry (Via) Kalady, Perumbavoor, Vengola, Arackapady and Pattimatom as Angamaly- Kolencherry by limiting the last trip at Perumbavoor and intend to operate from Perumbavoor to Angamaly in the morning.

This authority considered the application in detail in the light of the report of route enquiry officer and existing Government notifications and reveals the following.

The regular permit is seen issued prior to 14/07/2009 and the route overlaps a distance of 15.7 km from Perumbavoor to Angamaly with Kottayam- Kozhikode notified scheme published vide GO(P) No.42/2009/ Tran dtd 14/07/2009 and further modified by GO(P) No.08/2017/Tran dtd 23/03/2017. As per Clause[4] of the modified scheme, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as saved permits provided that further extension or variation shall not be allowed under any circumstance. This permit belongs to the classification of saved permit and can be continued as such without any modifications like extension or variation. If the proposed variation is allowed, it will be clear violation of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017. Hence it cannot be allowed. KSRTC strongly objected the proposed variation in the light of said notification.

Hence application for the variation of saved permit by the notification No.08/2017/Tran dtd 23/03/2017 is hereby rejected

Item No-4

Heard the learned Counsel represented the applicant. This is an application for variation of regular permit in respect of stage carriage **KL 09 N 4599** on the route Mulamkuzhy- Thattekkad (Via) Illithode, Kalady, Peumbavoor and Kothamangalam as LSOS as Mulamkuzhy- Thattekkad touching Manjapra as ordinary service by changing the halting place as Manjapra and converting the class of service as ordinary moffusil service. In the proposed variation the applicant intend to change halting place to Manjapra instead of Mulamkuzhay.

This authority considered the application in detail in the light of the report of route enquiry officer and existing Government notifications and reveals the following.

The regular permit is seen issued prior to 14/07/2009 and the route overlaps a distance of 8 km from Perumbavoor to Kalady with Kottayam- Kozhikode notified scheme published vide GO(P) No.42/2009/ Tran dtd 14/07/2009 and further modified by GO(P) No.08/2017/Tran dtd 23/03/2017. As per Clause[4] of the modified scheme, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as saved permits provided that further extension or variation shall not be allowed under any circumstance. This permit belongs to the classification of saved permit and can be continued as such without any modifications like extension or variation. If the proposed variation is allowed, it will be clear violation of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017. Hence it cannot be allowed. KSRTC strongly objected the proposed variation in the light of said notification.

Hence application for the variation of saved permit by the notification No.08/2017/Tran dtd 23/03/2017 is hereby rejected.

Item No-05

Heard the learned Counsel represented the applicant. This is an application for variation of regular permit in respect of stage carriage **KL 44 7559** on the route Pinavoorkudy-Muvattupuzha as Elamblasserry-Pinavoorkudy- Muvattupuzha as ordinary moffusil service. In the proposed variation the applicant intend to operate the service to Elamblasserry which is tribal settlement area and also wish to change the halting place to Elamblaserry. The field office reported that the proposed variation portion is not having sufficient stage carriage services at present. It is reported that the route portion from Knachery Jn-Mednappara a distance of 6 km and Mamalakandam- Elamblasserry settlement a distance of 2 km is virgin and fitness certificate from LSGD section Kuttampuzha received. Recommendation from Hon'ble MLA of Kothamangalam is also received in this regard. The timings proposed in the extension portion is within the rest time of the existing service and extension portion of the route is virgin also. No timing objections received before this authority.

Considering the travel needs of common public and students of a remote area , the applied variation is granted with the proposed timings and fare stages proposed by the field officer , since there is no change in the existing timings and there is no other service to the variation portion at present. If timing objections received after the issuance of the permit, Secretary RTA will conduct open timing conference with affected parties.

Item No-06

Heard the learned Counsel represented the applicant. This is an application for variation of regular permit in respect of stage carriage S/ C KL 17 A 606 operating on the route Inchathotty- Perumbavoor.

By the proposed variation, the permit holder is desired to vary the permit as Neriamangalam-Perumbavoor touching Allungal by curtailing the route portion from Neriamangalam to Inchathotty and extend the route to Allungal from Puthencruz.

This authority considered the application in the light of enquiry report furnished by the field officer and connected file. So many objections have been received against the curtailment of trip to the ill served sector of the route . Further the enquiry officer reported that the proposed curtailment will badly affect the travelling people of remote areas of Inchathotty.

Interest of the public is the main factor for the grant of a variation on existing regular permit. In this contest the existing benefits enjoyed by the public shall not be deprived off consequent to the variation of the permit. In these circumstances, the proposed curtailment is not maintainable. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the applied variation is rejected.

Item No-07

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/ C KL 05 P 5299 operating on the route Vadattupara-Kothamangalam. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-08

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 40 B 7347 operating on the route Pooyamkutty-Aluva. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-09

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C C KL 17 A 9297 operating on the route Aluva – Piravom-Puthencruz. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-10

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 6053 operating on the route Kolencherry-Koothattukulam. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-11

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 03 K 155 operating on the route Piravom-Muvattupuzha . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-12

A)Heard: Request allowed and sanction of Transfer of permit granted by this authority dated 18/11/2017 is revoked.

B) Heard ; 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-13

Heard ; the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 E 5390 operating on the route Kavakkad-Muvattupuzha-Uppukandam . Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-14

Perused the judgment of Hon'ble High Court of Kerala in WP (C) No: 1009/2018 date 10/01/2018 and the connected files. This authority considered the matter in detail.

The permit holders of Auto Rickshaws KL-06-E-3563, KL-44-B-2501 and KL-63-A-7971 filed WP (C) No: 1009/2018 before the Hon'ble High Court of Kerala seeking direction for consideration of their applications for variation of permit conditions so as to park and to pick up passengers within Perumbavoor municipal limits.

In the said judgment , the Hon'ble court, directed the petitioners to submit applications before Joint Regional Transport Officer, Perumbavoor which shall be placed before Regional Transport Authority, Muvattupuzha who shall consider the same and pass appropriate orders thereon, strictly in accordance with law.

It is reported that the first petitioner, the permit holder of KL-06-E-3563, has not applied for variation of permit conditions and the other two petitioners have applied for variation of permit .

Hence the variation of permit conditions are allowed to the applicants with area of operation as applied , without noting the parking place in permit.

Item No-15

Ratified.

Item No-16

Next meeting will be conducted on 19/05/2018.

Sd/-

M P Ajithkumar

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.