

Decision of Regional Transport Authority (RTA), Malappuram Meeting held on 12.11.2014 at Collectorate Conference Hall, Malappuram at 10.30.a.m.

Item No.1

Heard the learned counsel.

This application for fresh regular permit was considered by earlier RTA held on 18/09/2014 in item no 1 and adjourned for specific report regarding the route length and feasibility of change in terminus from EdavannaJamalangadi to Edavanna Bus stand. Now the Field Officer has reported the route length and change in terminus from EdavannaJamalangadi to Edavanna Bus stand is beneficial for the traveling public and parking/halting facilities are available in the bus stand. The applicant offered S/C KL-10-P-8655 and produced the registration certificate. Hence regular permit **granted** in respect of S/C KL-10-P-8655 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No.2

Heard the learned counsel.

This application for fresh regular permit was considered by the last RTA held on 18/09/2014 in item no 3 and adjourned with a direction to ascertain the distance of overlapping on the notified route and also directed to submit a modified time schedule with all intermediate points. The applicant submitted a modified time schedule and the field officer has reported that the overlapping on the notified route is within the permissible limit. The applicant offered S/C KL-18-7463 and produced the registration certificate. Hence regular permit **granted** in respect of S/C KL-18-7463 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No.3

Heard the learned counsel.

This application for fresh regular permit was considered by the last RTA held on 18/09/2014 in item no 13 and adjourned with direction to the applicant to propose a revised time schedule providing more trips to the ill served area, as the application for permit was intended to provide travelling facility to ill served sector and to the Field officer to clearly mention the availability of time gap in Tirur – Malappuram – Manjeri sector. The applicant submitted his representation stating that there is no scope for changing time schedule, which this authority found not satisfactory. The field officer is also failed to report the time gap with the help of any statistics. This authority feels that the intention of the applicant is to fetch a new permit in the thickly traffic populated portion in the guise of conducting services in the ill served area. In the revised proposal, he did not even try to include not even a single trip in the ill served sector. There is also objection from other operators that the inclusion of the ill-served portion is to avoid excess overlapping. Hence the Secretary is directed to enquire the matter and report the feasibility of trips in ill served sector and furnish the availability of time gap in the well served sector by the help of statistics of the number of vehicles plying through the sector.

For the compliance of above matters the decision on the application is **adjourned**

Item No. 4

Heard the learned counsel.

This application for fresh regular permit was considered by the last RTA held on 18/09/2014 in item no 14 and adjourned with a direction to ascertain whether there is any virgin portion on the proposed route and sought road fitness from concerned authorities, if required. The matter was enquired and the filed officer has reported that there is no virgin portion in the proposed route. The applicant offered S/C KL-07-AK-7766 and produced the registration certificate. Hence regular permit **granted** in respect of S/C KL-07-AK-7766 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 5

Heard the learned counsel.

This application for fresh regular permit was considered by the last RTA held on 18/09/2014 in item no 23 and adjourned with a direction to submit a modified application with maximum number of trips through ill served sector with all intermediate points in time schedule and also to furnish a specific report on the proposed routes of operation. The applicant submitted a revised time schedule with intermediate points. The Reporting officer has reported that the proposed route is mostly passes through ill served areas and only four buses are now operating service on this urban route which is not sufficient to meet the travelling need of the public. Hence regular permit **granted** subject to production of a stage carriage complying GO(P)No. 67/2011/Tran dtd 30/11/2011 having no valid regular permit within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 6

Heard the learned counsel.

Regular Permit **granted** in respect of S/C KL-09-M-9173 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 7

Heard the learned counsel.

1. The proposed route include virgin portion on a distance of 4kms from Alungal to Kottothukunnu Harijan Colony via Kombankallu bridge. Fitness certificates are obtained from Executive Engineer, PWD Roads Division, Palakkad for a distance of 1.88km from Alungal to Kombankallu (Vide item no 10 of this RTA) and Assistant Engineer, LSGD, Edappatta G P for a distance of 2.50km from Kombankallu Jn to Kottothukunnu Colony.
2. The field officer reported that there is virgin portion of 4 Kms and suggested the fare stages for the virgin portion. The existing fare stage is at Alungal and the virgin portion ends to Kottothukunnu Harijan Colony which is a remote area for colony inhabitants. Considering the local people of this area he suggested for one fare stage from Alungal to Kottothukunnu Harijan Colony. This authority is also satisfied the suggestion in the public interest

and fixed the fare stage from Alungal to Kottothukunnu Harijan Colony as per Rule 211 of KMV Rules.

Hence regular permit **granted** with the above fare stages in the virgin portion and subject to production of a stage carriage complying GO(P)No. 67/2011/Tran dtd 30/11/2011 having no valid regular permit within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 8

Heard the learned counsel.

The applicant offered S/C KL-05-N-6639 and produced the registration certificate. Hence regular permit **granted** in respect of S/C KL-05-N-6639 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 9

Heard the learned counsel.

1. The road fitness certificate for the virgin portion of the route from Narokkavu to Mathilpara via Kariyanthodu and Schoolkunnu on a distance of 4.3kms is not obtained.
2. Perused the fare stages fixed by the Field officer. It is seen that three fare stages are fixed for a distance of 6.3kms including virgin portion. This authority found that there is no scientific approach in deciding the fare stages as far as the public interest is considered/concerned.

Hence Secretary is directed to-

1. Seek road fitness certificate from the concerned authorities.
2. Conduct fresh enquiry regarding the fixation of fare stages in accordance with rule 211 of KMVR 1989 and other connected clauses and place before next RTA.

For the compliance of above matters the decision on the application is **adjourned**

Item No. 10

Heard the learned counsel.

1. The proposed route include virgin portion on a distance of 3.2kms from Alungal to Olappara via Kombankallubridge. Fitness certificates are obtained from Executive Engineer, PWD Roads Division, Palakkad for a distance of 1.88km from Alungal to Kombankallu and Executive Engineer, PWD Roads Division, Manjeri for a distance of 1.25km from Olappara to Kombankallu Bridge approach road.
2. The virgin portion lies in between the existing fare stages Alungal and VelliancheriHogh School on a distance of 3.8kms. This authority found the above existing fare stages are sustainable and fixed as such.
3. The applicant offered S/C KL-53-7246 and produced the registration certificate.

Hence regular permit **granted** in respect of S/C KL-53-7246 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular

permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 11

Heard the learned counsel.

The applicant offered S/C KL-07-AH-4501 and produced the registration certificate. Hence regular permit **granted** in respect of S/C KL-07-AH-4501 subject to production of current records of the above vehicle within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 12

Heard the learned counsel.

Regular Permit **granted** subject to production of a stage carriage complying GO(P)No. 67/2011/Tran dtd 30/11/2011 having no valid regular permit within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked without further notice and subject to settlement of timings in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 13

Heard the learned counsel.

The proposed route overlaps on the notified route Kottayam – Kozhikkode and Palakkad – Kozhikkodevide notification no G O (P) No. 42/2009/Tran dated 14/07/2009 on a distance of 4.3kms from Chemmad to Kooriyad and Kondotty to Melangadi. This overlapping distance exceeds 5% of the route length and violates clause 5(c) of the above notification. Hence the application for regular permit is **rejected**.

Item No. 14

Heard the learned counsel.

The proposed route overlaps on the notified route Kottayam – Kozhikkode vide notification no G O (P) No. 42/2009/Tran dated 14/07/2009 on a distance of 3.3kms on the portion of route Chemmad – Kakkad –V K Padi. This overlapping distance exceeds 5% of the route length and violates clause 5(c) of the above notification. Hence the application for regular permit is **rejected**.

Item No. 15

Heard the learned counsel.

This application for fresh regular permit was considered by earlier RTA held on 18/09/2014 in item no 39 and adjourned for specific report regarding the details of fare stages in virgin portion. It is found that the direction of this authority is not complied by the Secretary regarding the details of fare stages in virgin portions on the proposed route. The Secretary is once again directed to furnish a specific report with details of fare stages in virgin portion along with a sketch in accordance with the rule 211 of KMV Rules and other prevailing orders and place before next RTA. Hence decision on the application is **adjourned**.

Item No. 16

Heard. The Regular Permit **granted** subject to production of a time schedule in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 17

Heard. The variation application is filed in respect of permit which has already expired on 10/10/2014 and is not valid now. The variation of a permit can only be entertained during its period of validity. Hence this variation application is now not maintainable and is **rejected**.

Item No. 18

Heard. The proposed variation includes curtailment of early morning trip at 6.50am from Kizhissery to Edavannappara via Cheacode. The field officer report that the curtailment of above morning trip will adversely affect the existing travelling public depending this service.

For the above reason this authority could not satisfied that this variation is for the convenience of traveling public as laid down under section 80(3)(ii) of MV Act and hence **rejected**.

Item No. 19

Heard the learned counsel.

This application for variation of regular permit to deviate the 3rd single trip from Eriyad to Cherani via Elankur instead of Thiruvalli without changing existing timings was considered by earlier RTA held on 18/09/2014 in item no 46 and adjourned with a direction to obtain a specific report after studying the frequency of services on both sectors. The field officer has reported that the deviation is advantageous to people in Elankur sector and does not affect passengers at Thiruvalli since there are plenty of trips by stage carriages in this sector. Hence variation of permit to deviate the 3rd single trip from Eriyad to Cherani via Elankur **granted** and subject to settlement of timings for the deviated portion (3rd single trip from Eriyad to Cherani via Elankur) in compliance with the order no D3/875/STA/2005 dated 08/11/2011 of STA regarding running time.

Item No. 20

Heard. The proposed variation includes curtailment of trips during the peak hours of morning and evening from Irumbothinkadavu to Chettippadi and from Chettippadi to KadalundiNagaram. The field officer has reported that the curtailment of above trips during the peak hours of morning and evening will adversely affect the existing travelling public depending on this service.

For the above reason this authority could not satisfied that this variation is for the convenience of traveling public as laid down under section 80(3)(ii) of MV Act and hence **rejected**.

Item No. 21

Heard.

1. Perused the judgment of Hon'ble STAT in MVAA No 28/2013 dt.20/08/2014
2. In obedience to the above order of Hon'ble STAT considered the application for variation of permit. Variation of route is sought for the portion of the from Tirur to Purathur, which overlaps on the complete exclusion portion of the notified route Ponnani - Chelari as per GO(P) No 3/2014/Tran Dt.22/01/2014. The Government Order No.10689/B1/2014/Tran dated 17/07/2014 regarding the above scheme states that 'in order to ensure sufficient travel facilities to the general public Government find it necessary

to amend the above schemes suitably' and this Government Order also directs not to issue new permits. As the variation is considered as if a new permit and is not admissible. Hence the decision on the application for variation of permit is **adjourned** till further orders from Government in this matter and subject to the decision of the Hon'ble High Court in the pending cases.

Item No. 22

Heard.

The proposed variation includes two additional trips between Kottakkal and Malappuram this additional trips will increase the number of trips on the notified portion from Uphill Malappuram to Downhill Traffic Junction on the notified route Palakkad – Kozhikkode and will violate clause 19 of notification no 42/2009/TRAN dated 14/07/2009. As per clause 19 of GO (P) No. 42/2009/Tran. Dated 14.07.2009, the right to operate new service and to increase the number of trips in the notified route is exclusively reserved for state road transport undertaking only. Hence the application for variation of permit is **rejected**.

Item No. 23

The Counsel of the applicant submitted that the regular permit is already surrendered. Hence the application for variation of permit is **rejected**.

Item No. 24

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTAs, Kozhikkode and Thrissur after verifying the route length in the neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 25

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTAs, Kozhikkode and Thrissur after verifying the route length in the neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 26

Duplication of Item no 25

Item No. 27

Heard the learned counsel.

This vehicle is conducting service as Limited Stop Fast Passenger on the strength of a regular permit no. 10/1821/2004 valid up to 14/11/2014. As per clause 18 of GO(P) No 73/2013/Tran dated 16/07/2013 the right to operate any class of service other than ordinary service in the state of Kerala is reserved to STU only. The Government Order No.10689/B1/2014/Tran dated 17/07/2014 regarding the above scheme states that '..in order to ensure sufficient travel facilities to the general public Government find it necessary to amend the above schemes suitably.' As it is clear from the above order that the Government is intend to amend the above scheme and is pending under the consideration of the Government, the decision on the application for renewal of permit is **adjourned** till further orders from Government in this matter and subject to the decision of the Hon'ble High Court in the pending cases. Secretary is directed to issue temporary permit for continuation of service until further orders from government.

Item No. 28

Duplication of Item no 27.

Item No. 29

Heard the learned counsel.

This vehicle is conducting service as Limited Stop Fast Passenger. As per clause 18 of GO(P) No 73/2013/Tran dated 16/07/2013 the right to operate any class of service other than ordinary service in the state of Kerala is reserved to STU only. The Government Order No.10689/B1/2014/Tran dated 17/07/2014 regarding the above scheme states that ‘..in order to ensure sufficient travel facilities to the general public Government find it necessary to amend the above schemes suitably.’ As it is clear from the above order that the Government is intend to amend the above scheme and is pending under the consideration of the Government, the decision on the application for renewal of permit is **adjourned** till further orders from Government in this matter and subject to the decision of the Hon’ble High Court in the pending cases. Secretary is directed to issue temporary permit for continuation of service until further orders from government.

Item No. 30

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTAs, Kozhikkode and Thrissur after verifying the route length in the neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 31

Heard the learned counsel.

This vehicle is conducting service as Limited Stop Fast Passenger on the strength of a regular permit no. 10/535/1995 valid up to 20/11/2014. As per clause 18 of GO(P) No 73/2013/Tran dated 16/07/2013 the right to operate any class of service other than ordinary service in the state of Kerala is reserved to STU only. The Government Order No.10689/B1/2014/Tran dated 17/07/2014 regarding the above scheme states that ‘..in order to ensure sufficient travel facilities to the general public Government find it necessary to amend the above schemes suitably.’ As it is clear from the above order that the Government is intend to amend the above scheme and is pending under the consideration of the Government, the decision on the application for renewal of permit is **adjourned** till further orders from Government in this matter and subject to the decision of the Hon’ble High Court in the pending cases. Secretary is directed to issue temporary permit for continuation of service until further orders from government.

Item No. 32

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTAs, Kozhikkode and Thrissur after verifying the route length in the neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 33

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTAs, Palakkad and Thrissur after verifying the route length in the neighboring district(s) in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 34

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTA, Kozhikkode after verifying the route length in the neighboring district in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 35

Heard the learned counsel.

Secretary, RTA is directed to renew the permit or to seek concurrence from Sister RTA, Kozhikkode after verifying the route length in the neighboring district in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 36

Heard.

1. Perused the judgment of Hon'ble High Court in wp© 25927/2014.
2. Considered the application for replacement of vehicle in obedience to the judgment of Hon'ble High Court in wp© 25927/2014. It is found that replacement of vehicle is requested for a permit which is under suspended animation and at present there is no vehicle to compare the material difference between the incoming vehicle and outgoing vehicle. Hence in order to facilitate the service of the permit to the travelling public and as per the direction of Hon'ble High Court in wp© 25927/2014, replacement of vehicle is **granted** subject to the verification of court records.

Item No. 37

Heard.

1. This belated application for renewal of permit and to seek concurrences from Sister RTAs was considered by earlier RTA held on 28/05/2014 in item no.60 and adjourned with a direction to verify and report the genuineness of the signature in the application and service of the vehicle. The Field officer report that the signature of the applicant in application is genuine and the vehicle is not conducting service now.
2. The permit was valid up to 15/08/2013 and was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of permit in time due to good and sufficient reason. Hence the delay occurred in filing application for renewal is condoned. As per clause 4 of notification no 42/2009/TRAN dated 14/07/2009 the regular permit will be issued after the expiry of permits issued prior to 09/05/2006. In this case the permit was issued prior to 09/05/2006. Secretary, RTA is directed to renew the permit or to **seek concurrence** from Sister RTAs, Kozhikkode and Palakkad after verifying the route length in the neighboring district in accordance with decision of STA Kerala held on 27.05.2014. Item No. 21.

Item No. 38

Heard.

1. Perused the judgment of Hon'ble High Court in wp© 18468/2014 dt.30/07/2014.
2. In obedience to the above judgment of Hon'ble High Court considered the application for renewing the permit by curtailing the part of the route that overlaps on the complete exclusion portion of the notified route Ponnani – Chelari as per GO(P) No 3/2014/Tran Dt.22/01/2014. The curtailment is sought for to avoid overlapping on the complete exclusion portion of the notified route Ponnani – Chelari as per GO(P) No 3/2014/Tran

Dt.22/01/2014. The Government Order No.10689/B1/2014/Tran dated 17/07/2014 regarding the above scheme states that ‘.in order to ensure sufficient travel facilities to the general public Government find it necessary to amend the above schemes suitably.’ As it is clear from the above order that the Government is intend to amend the above scheme and is pending under the consideration of the Government, the decision on the application for renewal of permit is **adjourned** till further orders from Government in this matter and subject to the decision of the Hon’ble High Court in the pending cases. Secretary is directed to issue temporary permit for continuation of service until further orders from government.

Item No. 39

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 40

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 41

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 42

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 43

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 44

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 45

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 46

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 47

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt.

dues, if any and also subject to the endorsement of hire agreement details in the registration certificate of the stage carriage u/s 51(1) of MV Act.

Item No. 48

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 49

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 50

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 51

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 52

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 53

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 54

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 55

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 56

Transfer of permit (by death) to Smt.Muhammed Faisal Kodali,S/O, Abdu Rahiman,Kodali House,MarathaniAmbala Road,Manjeri, Malappuram is **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 57

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 58

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 59

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the endorsement of hire agreement details in the registration certificate of the stage carriage u/s 51(1) of MV Act.

Item No. 60

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 61

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 62

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 63

Heard both the applicants. From office records validity of the permit expired as on 17.03.2014. The transfer of a permit can only be entertained during its period of validity. Hence decision on this application is **adjourned**.

Item No. 64

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 65

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 66

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 67

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 68

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 69

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 70

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 71

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 72

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 73

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the endorsement of hire agreement details in the registration certificate of the stage carriage u/s 51(1) of MV Act.

Item No. 74

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 75

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any and also subject to the endorsement of hire agreement details in the registration certificate of the stage carriage u/s 51(1) of MV Act.

Item No. 76

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 77

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 78

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 79

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 80

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 81

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 82

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 83

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 84

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 85

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No. 86

Heard. It is a matter to be considered in the light of purport and relevancy of issuing permits to public service vehicles under MV Act and rules. The issue of permits to transport vehicles with conditions, is to maintain the safety and peace in road transport system. The control of transport vehicles by introducing the necessity of permits for its operation on roads and the provisions, to cancel the said permits for violations of conditions of such permits and for other reasons, connected with the improper mode of service operations violating the relevant

provisions of MV Act and rules, is to achieve the very prime purpose of peace and safety on road transport system. In this case, the SC KL55/D 4930 operating on the route Kozhikkode – Kavilakkad hit against an autorikshaw and caused for the loss of eight lives, for the reason none other than improper service operation, neglecting the laws related and without considering the value of human lives. The drivers total negligence and rashness in driving a stage carriage carrying passengers leads to confirm the lack of supervisory control on employees of the vehicle. The permit holder could not comply the condition laid down under rule 152(2) of KMV Rules 1989. The damages sustained on the bus and the total collapse of the Autorikshaw, gives a picture of rashness of the Bus. It shows that the driver fully neglected the presence of the Autorikshaw, which was plying through the other side of the road. Subsequent to the accident, the protest and anger of local people grew higher against the general mode of operation of the vehicle, resulting the set fire on the vehicle.

It is also came to notice that the vehicle and passengers were not validly covered by third party insurance. The permit holder not even cared to remit the insurance premium in time. The permit holder failed to comply the provisions of Section 146 of MV Act which is essential requirement in the operation of motor vehicle service, there by the chance for getting even compensation arising out of the death and injuries of accident victims got lost. This slackness and negligence from the part of a stage carriage operator need to be viewed seriously and is necessary to disqualify him from obtaining a transport vehicle permit.

The explanation of permit holder is not having any considerable substance and on the other hand it shows his aloofness from responsibilities as a permit holder. The claim of the permit holder that the R.T.A. has granted permission for transferring the permit to other person prior to this accident and therefore he was relieved from the responsibilities can only be considered as a mere excuse for his slackness. As the permit and the vehicle was not at all transferred by complying the procedure, Sri. A.T. Muhammed remains as the permit holder and owner of the vehicle on the date of accident. Even though a notice was issued to the proposed transferee he also did not offered any satisfactory explanation and also not impleaded as a party in this matter.

On perusal of connected files it is under stood that there was a serious complaint against the crew of this vehicle in connection with the denial of student concession and compulsory drive out of a girl student of plus two class on 19.9.2009. Due to the gravity of misbehaviour of conductor and crew, the parent, the Principal of the School and the Convener of action Committee of Chelembra Spinning mill area lodged complaints to RTO Malappuram. The parent also filed a case with police and registered as a Crime case No. 392/2009. The complaints came up before this authority with the enquiry report that the complaint is found as genuine and decided to issue show cause notice to cancel the conductors license and permit.

This same vehicle caused another fatal accident on 1.9.2012 at Nallolam Bazar and case with Crime No. 2896/12, U/s 279,337,338 and 304 of IPC was charged. The section 304 of IPC is charged in Motor Accident cases when deliberate negligence and rashness causing loss of human lives. It is only just after one year this major fatal accident occurred due to the rash and negligent operation of service by the same vehicle under the ownership and control of same permit holder, which shows that the permit holder is not able to supervise and control his employees operating this service and he himself is not interested to conduct the service by complying the relevant provisions and requirements under MV Act.

In view of above mentioned facts, this authority is convinced that the permit holder has completely failed in Supervising and controlling of his employees as provided under rule 153(2) of KMV Rules and also failed to comply, the essential

requirements under MV Act and rules in conducting a transport vehicle service. It is found fair and proper to cancel the permit covered by the SC KL-55/D 4930 for the sake of the relevant purport of MV Act on road safety. Hence the above said permit is cancelled under the provisions of Section 86 of MV Act on account of violations of relevant provisions of MV Act 1988 and rules made there under ; and the Kerala motor vehicle rules 1989.

Item. No. 87

Heard.

It is a case connected with a major accident occurred due to the total negligence and violation of relevant provisions of MV Act and rules regarding the transport vehicle service operation and road safety aspects regarding a motor vehicle. Hence it is a matter to be viewed in the light of purport of enactment of MV Act and rules. The transport vehicles operations are controlled by issuing permits under the provisions of Section 66 of MV Act. The motor vehicles operating service on road are also governed by the provisions of MV Act and rules. The requirements laid down under MV Act and rules are to be complied by every motor vehicle and shall be so maintained that all the components including the safety devices installed in the vehicle are in proper working condition while the vehicle is in operation.

In this case the accident occurred due to the rashness and negligence in driving and also due to the improper maintenance of vehicle and its safety devices as revealed from the technical inspection report of RTO, Malappuram. It is also reported that about 50 passengers were carried in the vehicle where as the seating capacity of the vehicle KL10/Y 7874 involved in the accident is only 23 in all. Thus it is found that this LMV was overloaded with passengers, which can be afforded safely only in a medium vehicle or heavy vehicle. The overloading of vehicle along with its defective mechanical conditions prior to the accident resulted in such an over turn of the vehicle during the rash driving and braking.

It is surprising to note that the vehicle was insured for a passenger capacity for less than the permitted passenger capacity. On perusal of the copy of the insurance certificate it is found that the insurance certificate itself it is clearly mentioned that the policy is having the coverage for less than 17passenger carrying capacity. It is therefore clear that the permit holder has deliberately taken the third party insurance for less passenger capacity to save the insurance premium amount, which is in result a public cheating where as the passenger carrying capacity is 23 as permitted by the permit covered by the SC KL-10 Y 7874.

The permit holder is operating service with a LMV vehicle in a route having large number of travelling public by carrying overload and without proper insurance coverage for passengers . Hence it can be seen that the permit holder was operating service without any compliance of relevant rules due to his greedy approach towards the public transport system to make undesirable gain. It is evident from the connected reports that the permit holder was having a negative approach towards the public safety by conducting this stage carriage service violating all the relevant rules connected with the service operation. It is also seen reported that the speed limiting device (Speed Governor) additionally implemented by CMV rule was also disconnected permitting or facilitating the driver for rash driving . The foul play in taking third party insurance and the use of a defective vehicle (LMV) to carry passengers more than the permitted capacity makes the permit holder ineligible to hold a transport vehicle permit, besides his lapse in supervisory control on his employees as laid down under rule 153(2) of KMV rule 1989. The use of a defective vehicle with tampered speed governor to carry passengers over loading more than the permitted carrying capacity is definitely amounts to violation of Section 190 of MV Act, In the above circumstances, it is found that cancellation of the permit covered by the SC KL-10Y 7874 is inevitable

for the sake of motor vehicle law. Hence the permit covered by the SC KL-10/Y 7874 is cancelled under the provisions of Section 86 of MV Act, for the above mentioned violations of relevant provisions of MV Act.

Item No. 88

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 89

Heard both the applicants and transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Departmental Item No: 1

Ratified.

Sd/-

1. Sri. K. Biju IAS, Chairman of RTA, Malappuram.

Sd/-

2. Sri. V. Sureshkumar, Deputy Transport Commissioner (C Z 1)
Member, RTA Malappuram.