

DECISION OF RTA MALAPPURAM DATED 24.06.2010

Item No. 1

Heard. Granted regular permit subject to settlement of timings with condition that one more round trip shall be operated to the ill served Puthiyedath Paramba.

Item No. 2

Heard. The counsel for the applicant requested for adjournment, since no vehicle available. Hence Adjourned.

Item No. 3.

Heard. The counsel for applicant produced an affidavit regarding the vehicle offered. Granted regular permit subject to settlement of timings with condition that one more round trip shall be operated to the ill served Olavattur Yatheemkhana

Item No. 4

Heard. Granted regular permit to KL 11 S 5556 subject to settlement of timings.

Item No. 5

Heard. The counsel for the applicant produced an affidavit regarding the vehicle offered. Granted regular permit subject to settlement of timings

Item No. 6

Heard. Granted regular permit to KL 10 L 7005 subject to settlement of timings.

Item No. 7

Heard. Counsel for the applicant agreed to produce the vehicle as specified by this authority. Granted regular permit subject to settlement of timings with condition that a Mini Bus having six wheels and wheel base not less than 310 cm shall be produced.

Item No. 8

Heard. The counsel for the objector pointed out that the road is not fit and there is virgin portion. The secretary is directed to verify regarding the road fitness. The applicant is directed to furnish the description of the vehicle as required by Sec.70 (1) b of the MV Act. Hence adjourned.

Item No. 9

Heard. The counsel for the KSRTC objected stating that there is an overlap by 2.2 Kms on notified route. The counsel for an existing operator objected that the time schedule proposed is in violation of maximum speed limit specified. Therefore the Secretary is directed to verify the distance of objectionable overlapping and the anomalies in time schedule. The applicant is directed to modify the route so as to avoid the objectionable overlapping. Hence Adjourned.

Item No. 10

Heard. Granted regular permit subject to settlement of timings.

Item No. 11

Heard. Granted regular permit subject to settlement of timings.

Item No. 12

Heard. Granted regular permit subject to settlement of timings.

Item No. 13

Heard. Granted regular permit to KL 04 M 7807 subject to settlement of timings.

Item No. 14

Heard. The variation applied involved re arrangement of trips and time route vehemently objected the re shuffling of existing trips and time schedule. The field officer reported that the variation applied will adversely affect the existing traveling public. This authority found that there is no change of circumstance necessitating the variation as per KMV Rule 145 (6). For the above reasons, rejected.

Item No. 15

Heard. Granted variation of permit subject to settlement of timings.

Item No. 16

Heard. Granted variation of permit subject to settlement of timings.

Item No. 17

Heard. Granted variation of permit subject to settlement of timings.

Item No. 18

Heard. Granted the variation of permit without curtailment of existing trips subject to settlement of timings.

Item No. 19

Heard. Granted variation of permit subject to settlement of timings.

Item No. 20

Heard. Granted variation of permit subject to settlement of timings.

Item No. 21

Heard. Granted variation of permit subject to settlement of timings.

Item No. 22

Heard. The variation applied is for curtailment of route (20 Kms) only. Objection raised against the curtailment in the meeting. The field officer reported that the curtailment of 20 Kms will adversely affect the existing traveling public. The last trip from Manjeri at 8.30 PM is also curtailed. There is no change of circumstances for the variation as required by KMV Rule 145(6). For the above reasons rejected.

Item No. 23

Heard. Granted variation of permit subject to settlement of timings.

Item No. 24

Applicant absent. Adjourned.

Item No. 25

Heard. Granted variation of permit subject to settlement of timings.

Item No. 26

Heard. Counsel for objector pointed out that the route portion from Manjeri to Pandikkad (via) Puzhamkavu which is ill served is curtailed for 2 single trips.

The field officer also reported that the curtailment will adversely affect the traveling public. There is no change of circumstances or necessity as required by KMV Rules 145(6). Hence rejected.

Item No. 27

1. Perused the judgment of Hon. STAT in MVARP No. 277/2009
2. Heard and reconsidered in compliance to the judgment, granted variation of permit subject to settlement of timings.
3. Considered the Temporary Permit application. Granted variation of RP. Hence become infructuous.

Item No. 28

Heard and reconsidered. Granted variation of permit subject to settlement of timings.

Item No. 29

Heard. Granted variation of permit subject to settlement of timings.

Item No. 30

Heard. Reconsidered. Granted variation of permit subject to settlement of timings.

Item No. 31

Heard. Granted variation of permit subject to settlement of timings with condition that the trip via Poly Technic shall be at peak hour and one more round trip shall be provide through Thekkey Kulamba which is curtailed.

Item No. 32

Heard. Granted variation of permit subject to settlement of timings with condition that the trip via Poly Technic shall be at peak hour and one more round trip shall be provide through Thekkey Kulamba which is curtailed.

Item No. 33

Heard. Granted variation of permit subject to settlement of timings with condition that the trip via Poly Technic shall be at peak hour and one more round trip shall be provide through Thekkey Kulamba which is curtailed.

Item No. 34

Heard. The variation applied is for the conversion of existing LSOS to Super Fast Passenger. As per KMV Rule 2(uc) Super Fast service means a service which is operated by a fleet owner on a route having a distance of not less than 150 and not more than 450 Kms. In this case the applicant is not a fleet owner and conversion is not in public interest. The representative of KSRTC vehemently objected the grant since the stage carriage is operating through notified route and the variation is in violation of scheme notified as GO. No. 42/Trans/2009 dated 14.07.2009. The conversion of LSOS as higher class without changing the existing amenities will adversely affect the traveling public especially students. The Government has not redefined fleet owner in compliance to the direction of Hon Court. This authority is waiting for the notification redefining the fleet owner. Hence Adjourned.

Item No. 35

Heard. The variation applied is for the conversion of existing LSOS to Super Fast Passenger. As per KMV Rule 2(uc) Super Fast service means a service which is operated by a fleet owner on a route having a distance of not less than 150 and not more than 450 Kms. In this case the applicant is not a fleet owner and conversion is not in public interest. The representative of KSRTC vehemently objected the grant since the stage carriage is operating through notified route and the variation is in violation of scheme notified as GO. No. 42/Trans/2009 dated 14.07.2009. The conversion of LSOS as higher class without changing the existing amenities will adversely affect the traveling public especially students. The Government has not redefined fleet owner in compliance to the direction of Hon Court. This authority is waiting for the notification redefining the fleet owner. Hence Adjourned.

Item No. 36

Heard. The variation applied is for conversion of LSOS to LSFP service. As per KMV Rule 2(ea) Fast passenger means a service which is operated by a fleet owner on a route having a distance of not less than 70 and not more than 160 Kms. In this case the applicant is not a fleet owner and conversion is not in public interest. The representative of KSRTC vehemently objected the grant since the stage carriage is operating through notified route and the variation is in violation of scheme notified as GO. No. 42/Trans/2009 dated 14.07.2009. The conversion of LSOS as higher class without changing the existing amenities will adversely affect the traveling public especially students. The Government has not redefined fleet owner in compliance to the direction of Hon Court. This authority is waiting for the notification redefining the fleet owner. Hence Adjourned.

Item No. 37

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Item No. 39

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Item No. 41

1. Perused the judgment in WP(C) No. 7702/2010 of Hon. High Court of Kerala
2. Heard and reconsidered. The secretary is directed to seek concurrence for renewal of permit and conversion as LSFP from sister RTAs. The applicant is directed to remit the fee prescribed. Hence adjourned.

Item No. 42

1. Perused the judgment in WP(C) No. 7702/2010 of Hon. High Court of Kerala
2. Heard and reconsidered. The secretary is directed to seek concurrence for renewal of permit and conversion as LSFP from sister RTAs. The applicant is directed to remit the fee prescribed. Hence adjourned

Item No. 43

1. Perused the judgment of Hon. STAT Ernakulam in MVAA No. 99/2009 dtd 11/5/2009
2. Granted the renewal of regular permit

Item No. 44

Heard. The secretary is directed to seek concurrence from sister RTAs for renewal of permit and for modifying as Super Fast Service. The applicant is directed to remit the fee prescribed.

Item No. 45

Heard. Allowed transfer of permit to the name of successor.

Item No. 46

Heard. Allowed transfer of permit to the name of successor.

Item No. 47

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Item No. 48

Heard. Allowed transfer of permit to the name of successor.

Item No. 49

Heard. Allowed transfer of permit to the name of successor.

Item No. 50

Heard. The counsel for PH and the Driver, it is requested to take a lenient view. As the offence is not denied and the motor vehicle accidents by private buses are increasing, this authority view the offence seriously. The Permit Holder is responsible for the conduct of the crews of every transport vehicles U/R 153 of KMV Rule. Hence

1. Suspended the permit for 12 days u/s 86 (i) with option to compound Rs.4000/- within 14 days.
2. Direct the licensing authority to disqualify the driver from holding license to drive a Stage Carriage U/S 19 of MV Act

Item No. 51

Heard. The counsel for Permit Holder, the conductor and the petitioner. The offence is not denied and prayed for a lenient view. The petitioner pressed for stringent action for the misbehavior of the crew. Complaints of misbehavior by the crews of stage carriages in increase. The Permit Holder is responsible for the conduct of the crews of every transport vehicles U/R 153 of KMV Rule. This authority find it is a case fit for appropriate punishment. Hence.

1. Suspend the permit for 8 days u/s 86 (i) with an option to compound Rs. 4000/- within 14 days
2. Direct the licensing authority to disqualify the conductor from holding the license U/s 34 of MV Act r/w 67 of KMV Rules

Item No. 52

Heard. The counsel for Permit Holder. The conductor not appeared. The offence is not denied and prayed for a lenient view. The misbehavior and harassment by the crews of Stage Carriages towards the passengers is in increase. The Permit Holder is responsible for the conduct of the crews of every transport vehicles U/R 153 of KMV Rule. This authority found it is a case fit for punishment. Hence.

1. Suspend the permit for 8 days u/s 86 (i) with an option to compound Rs. 4000/- within 14 days.
2. Direct the licensing authority to disqualify the conductor from holding the license U/S 34 of MV Act r/w 67 of KMV Rules

Item No. 53

Heard the counsel for the Permit Holder. He pleaded for a lenient view, the offence is not denied. The driver already admitted the offence and offence compounded. The accident by the private stage carriages are in increase. The permit holder is also responsible for the conduct of driver U/R 153 of KMV Rule. Hence this authority found this as case fit for punishment. Hence suspend the permit for 12 days u/s 86 (i) with an option to compound Rs. 4000/ within 14 days.

Item No. 54

Heard. Allowed transfer of permit subject to clearance of Government dues and production of NOC from the financier if applicable.

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Item No. 79

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Item No. 80

Heard. The counsel for the objector stated that there is a case pending before the Munciff Court Manjeri, filed by the financier, MARS Financiers, Sowcarpet, Chennai, hence the transfer of permit shall not be effected. The counsel for the applicant produced NOC from Sundaram Finance, Ernakulam who is the financier of KL 03 N 3908. It is found that the objector is the financier of KL 10 R 954, which is replaced by KL 03 N 3908 as per rules. The objector failed to substantiate his plea.

Hence allowed transfer of permit subject to clearance of Government dues and production of NOC from the financier if applicable.

Item No. 81

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and production of NOC from the financier if applicable

Item No. 82

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Item No. 87

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and production of NOC from the financier if applicable.

Item No. 88

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Tirur Municipality. As per the report of JRTO Tirur, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No. 89

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Tirur Municipality. As per the report of JRTO Tirur, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No. 90

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view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.91

1. Perused the judgment in WP(C) No. 14649/2010 of Hon. High Court of Kerala
2. Heard. The counsel for the petitioner stated that due to the newly modified traffic arrangements in Perintalmanna town, the stage Carriages have to ply 4.3 Kms in excess with the existing time. The representative of KSRTC stated that the deviated route is narrow and circuitous. The representative of Bus Owners Association suggested that the private vehicles and Lorries may be diverted through Jubilee Road so that the public service vehicles can be permitted through high way. This authority feels that before any further modification, the suggestions and opinions of all concerned shall be obtained. Therefore direct the Taluk Road Safety Council to propose further modification after the convening a meeting and hearing all concerned including KSRTC. Hence Adjourned.

Item No. 92

Heard. Approved Bus Stop as reported by the field officer

Item No. 93

Heard the petitioner, he prayed for maximum punishment contemplated by law. The permit holder is not appeared. The secretary is directed to take appropriate action as per rules after conducting a hearing.

Item No. 94

Granted concurrences for variation

Item No. 95

Heard. The variation applied is for curtailment from Kuttippuram to Tirur and curtailment from Kuttippuram to Kumbidi. The field officer reported that the curtailment will adversely affect the traveling public on the route. Hence concurrence rejected

Item No. 96

Granted concurrence for renewal for regular permit without prejudice to the right of the primary authority to decide the class of service.

Item No. 97

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Item No. 145

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Departmental Item

Ratified

Other Item

Perused the application of Sri. Alikutty for change of parking place of Auto Rickshaw KL 55 A 9479. This Item was considered by the RTA dated 21.01.2010 in Item No. 123 and adjourned. Since the applicant was absent. As the applicant now pressed, the Item may be placed before next RTA

Sri. P.K. Stephen

Deputy Transporty Commissioner
CZ-1 Thrissur & Member
RTA Malappuram

Sri. K. Sethuraman I.P.S

District Supdt. Of Police & Member
RTA Malappuram

Sri. M.C. Mohandas. I.A.S

District Collector & Chairman
RTA Malappuram