

**Decision of RTA, Malappuram held at Collectorate Conference Hall on  
21/11/2012**

**Item No 1:-**

Heard.

1. Perused the judgment dated 23/07/2012 of Hon'ble STAT in MVAA No 200/2012.
2. In obedience to the above judgment of Hon'ble STAT reconsidered the application for regular permit. This RTA has earlier taken a stand not to grant regular permits on application filed without offering vehicles or its specific material particulars and had adjourned those applications. The Hon'ble High Court in its judgment dated 06/11/2012 in wp(c) 20681/2012 and Hon'ble STAT, set aside the above decision and observed that it is not a requirement to have a vehicle either at the time of filing application or grant of permit. In view of the above observations regular permit **granted** subject to the production of six wheeled suitable stage carriage in compliance with GO(P) No 67/2011 dated 02/08/2011 within 30 days from the date of communication of this decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

**Item No 2:-**

Heard. The regular permit application is reconsidered as afresh on the basis of the request of the applicant and remittance of fee for fresh grant. It is found that there is no change in the applied route and circumstances than the earlier grant of permit in this route. Hence regular permit **granted** in respect of S/C KL-11-N-4982 subject to fixation of running time as per the order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

**Item No 3:-**

Heard.

1. Perused the judgment dated 24/09/2012 of Hon'ble High Court in wp© 21222/2012 and order of Hon'ble STAT in MP No 1176/2012 in MVAA 358/2012.
2. In obedience to the above judgment and order of Hon'ble High Court and STAT the fresh regular permit application considered. This RTA has earlier granted temporary permit on the same route u/s 87(1)(c) of MV Act imposing a condition to produce a modified time schedule with two more trips to Manjeri and Pookottumpadam. The Hon'ble STAT in its order dated 31/10/2012 in M.P No.1176/2012 in MVAA No.358/2012 stayed the above condition pending disposal of MVAA 358/2012. Hence in view of the above interim stay regular permit **granted** subject to settlement of timings and disposal of MVAA no. 358/2012.

**Item No 4:-**

Heard. The applicant produced six wheeled S/C KL-10-R-8969 and regular permit **granted** subject to settlement of timings.

**Item No 5:-**

Heard. Regular permit **granted** in respect of six wheeled S/C KL-09-K-2350 subject to settlement of timings.

**Item No 6:-**

Heard. The applicant produced six wheeled S/C KL-10-S-3204 and regular permit **granted** subject to settlement of timings.

**Item No 7:-**

Heard. The application for regular permit is proposed to operate on the route Edappal – Tirur via Chamravattom new bridge. The KSRTC has raised vehement objection against the grant of the permit through Chamravattom bridge stating that at present they are operating 40 long route services and 48 round trips through this bridge and further grant of permit to private operators will adversely affect KSRTC services financially and there is possibility of unhealthy competition. The representative of KSRTC also submitted that KSRTC has taken steps to notify the routes through Chamravattom bridge exclusively for State Transport Undertaking only. Hence the decision on the application is **adjourned** for producing material evidences for the same.

**Item No 8:-**

Heard. Regular permit **granted** in respect of six wheeled S/C KL-10-Z-2756 subject to settlement of timings.

**Item No 9:-**

Heard. Regular permit **granted** in respect of six wheeled S/C KL-10-Z-8690 subject to settlement of timings and condition that the applicant shall produce a time schedule specifying the path of the route between Manjeri and Panthallur on all trips before the settlement of timings.

**Item No 10:-**

Heard. Regular permit **granted** in respect of six wheeled S/C KL-06-D-653 subject to settlement of timings and production of modified time schedule providing a minimum of four single trips on the morning and evening time between Kottakkal and Kolathur Kuruppathal.

**Item No 11:-**

Heard. The applicant produced six wheeled S/C KL-10-R-564 and regular permit **granted** subject to settlement of timings.

**Item No 12:-**

Heard. The applicant produced six wheeled S/C KL-11-R-5590 and regular permit **granted** subject to settlement of timings.

**Item No 13:-**

Heard. The KSRTC has arised objection alleging that there is overlapping through notified portion from Kakkad to Kolappuram of notified route Kottayam – Kozhikkode exceeding permissible limit. The same is not seen reported by the field officer. Hence the overlapping distance need to be ascertained in view of notification no 42/2009/TRAN dated 14/07/2009. The Secretary is directed to ascertain the overlapping distance on the notified route as contended by the representative of

KSRTC. The decision on the application is adjourned for the compliance of the above matter.

**Item No 14:-**

Heard. The variation application includes the curtailment of morning trip from Tirur to Purathur and the field officer has reported that the curtailment will adversely affect the traveling public. The morning trip being at 6.10 am from Tirur to Purathur which is not a well served portion, will cause deprival of traveling facility to the local commuters including the working class to Purathur area. Hence retaining of the first trip is highly essential for the convenience of the traveling public. The necessity and specific need for an additional trip is not seen reported. In the above circumstance the variation application is found as more inconvenient to traveling public and hence **rejected**.

**Item No 15:-**

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

**Item No.16:-**

(1) the first part of the variation application is to increase two trips on Kottakkal - Tirur sector and the same matter was already considered by this authority in the meeting held on 14-12-2011 vide item No.50 . The application for variation was rejected due to the violation of clause 19 of Notification No.42/2009. The said decision of this RTA is not challenged by the applicant in any higher forum. Now the same request to increase 2 trips between Kottakkal and Tirur is included in this variation application and will cause to increase number of trips on the notified route portion Chankuvetty to Edarikkode which is the violation of clause 19 of Notification No.42/2009/Tran dtd 17/07/2009. There is no change in the above notification after the earlier rejection by this RTA. Hence the first part of the variation application to increase trips between Kottakkal and Tirur stands rejected as earlier.

(2) The second part of the variation application is to extend the route from Parapur to Vengara by providing only last one round trip between Parapur and Vengara for a distance of 6 Kms. But on account of this extension on the last trip all other major existing timings are shuffled unnecessarily and the proposed time schedule is reported as not complying the order of STA No.D3/875/2011 dtd 8/11/2011. The extension proposed is not necessitating any change in existing timings. Hence the extension of the route from Parappur to Vengara is granted without any change in existing timings and subject to settlement of timings on the extended route portion after fixing running time according to the guidelines of STA.

**Item No 17:-**

Heard. The field officer has reported that the reduction of trips through Cholakundu – Tharayittal will adversely affect the daily commuters from those areas. The shifting of the existing day trips to Pullikallu will adversely affect the traveling public of that area and trips shifted to late night after 11pm is not seems as beneficial to the traveling public. And the field officer has not furnished any advantages by this proposed variation. Hence the proposed variation is mostly disadvantageous regarding the

convenience of the existing traveling public and this authority could not satisfy that the variation proposed will serve the convenience of the public.

For the above reasons the variation application is **rejected**.

**Item No 18:-**

Heard.

1. As a result of this variation the route portion through Kadampuzha which is a pilgrim place is avoided and the field officer has reported that it is an ill served area and the curtailment will adversely affect the traveling public.
2. The proposed variation will cause to increase number of trips through notified portion Valanchery to Vettichira of notified route Kottayam – Kozhikkode and is the violation of clause 19 of notification No. 42/2009/TRAN dated 14/07/2009.

For the above reasons this authority found that the variation proposed is not satisfying the convenience of traveling public as laid down in proviso to sub section 3(ii) of Section 80 of MV Act and is found more disadvantageous to the traveling public. Hence the variation application is **rejected**.

**Item No 19:-**

Heard. This permit was issued five months back on 04/06/2012 with a set of timings after settlement of timings. There after no change of circumstance as prescribed under rule 145(6) of KMVR is reported for change in timings. The timings are shuffled and early morning trip is shifted from 5.20 am to 6.05 am without any reason. The variation by deviation is only on one single trip at 1.18 pm which is not going to be beneficial to traveling public as it is not a peak time or a useful time slot as far as the traveling public is concerned. The applicant is trying to get the timings shuffled in guise of the above mentioned single deviation. Hence this authority is not satisfied the variation application will serve the convenience of the traveling public and is **rejected**.

**Item No 20:-**

Heard.

1. The extension of the route proposed is overlaps through notified route Kottayam – Kozhikkode from Kuttippuram to Mallur Shiva Temple on a distance of 1.5 kms and the variation will cause to increase number of trips through the above notified portion. As per clause 19 of notification No. 42/2009/TRAN dated 14/07/2009 right to operate new service or to increase the number of trips through the notified route or its portions is reserved for State Transport Undertaking only.
2. The curtailment of trip to Puthuponnani will adversely affect the traveling public.

For the above reasons the variation application is **rejected**.

**Item No 21:-**

Heard.

1. Perused the order of the Hon'ble STAT in MVARP No. 96/2011 dated 06/09/2012.
2. In obedience to the order of Hon'ble STAT reconsidered the variation application for extension of service from Thrissur to Wadakkanchery and conversion of service

as LSFP. The order of Hon'ble STAT in MVARP 96/2011 is issued after the date of issue of draft notification no. 5651/B2/2009/Tran dated 02/08/2012, which had restricted the grant of any class of service other than ordinary service to private operators. As per clause 18 of above notification the right to operate any class of service other than ordinary service in the state of Kerala and to increase the trips shall be reserved with State Transport Undertaking only. In view of the above notification and the order of Hon'ble STAT the extension of route from Thrissur to Wadakkanchery is **granted** and conversion of service is **allowed** by granting temporary permit under section 99(2) of MV Act for a period of one year or till the date of final publication of the notification of the above mentioned scheme notified vide order no. 5651/B2/2009/Tran whichever is earlier subject to fixation of running time as per order D3/875/STA/2005 dated 08/11/2011 and settlement of timings.

**Item No 22:-**

Heard.

1. The proposed variation will cause to increase number of trips through notified portion Kakkad to Chemmad of notified route Kottayam – Kozhikkode and is the violation of clause 19 of notification No. 42/2009/TRAN dated 14/07/2009.
2. The curtailment of route from Kondotty to Areacode will adversely affect the traveling public especially the night travelers.

For the above reasons this authority found that the variation proposed is not satisfying the convenience of traveling public as laid down in proviso to sub section 3(ii) of Section 80 of MV Act and is found more disadvantages to the traveling public. Hence the variation application is **rejected**.

**Item No 23:-**

Heard.

Considered the application for conversion of service as Limited Stop Fast Passenger. This permit is renewed up to 10/11/2014 by this authority. Conversion of service as Limited Stop Fast Passenger service will adversely affect the traveling public and students depending this service. It is also finds that -

- I. a) The KSRTC vehemently objected the conversion of the service as Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
  - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
  - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
  - d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
- II. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Fast Passenger Service is granted it will violate the above said notification.

III. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.

For the above reasons the application for variation of service as Limited Stop Fast Passenger is **rejected**.

**Item No 24:-**

This is a Super Fast service permit and the concurrence is sought for the renewal of the same. As per clause 3 of draft notification No. 5651/B2/2009/Tran dated.02/08/2012 *the permits issued in the private sector prior on or before the date of this notification( 02/08/2012) will be allowed to continue till the dates of expiry of the respective permits and thereafter no permits, shall be renewed and no permit regular or temporary shall be issued afresh except otherwise than provided in sub section (2) of Section 99 of the Act.* This permit is not renewable as per the above mentioned notification. Hence application for renewal of permit is **rejected**.

**Item No 25:-**

Heard. Perused the order of Hon'ble STAT in MVAA No.356/2012 available in the connected file. In obedience to the order of Hon'ble STAT, the Secretary is bound to seek concurrence from sister RTAs.

**Item No 26:-**

Secretary is allowed to seek concurrence from Sister RTA, Thrissur.

**Item No 27:-**

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

**Item No 28:-**

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

**Item No 29 :-**

This route Palakkad - Kozhikkode is having a route length more than 141 kms. As per rule 2(Oa) of KMVR this permit cannot be renewed as an ordinary service and in view of draft notification no. 5651/B2/2009/Tran dated.02/08/2012 the service could not be converted as any higher class service. As per rule 2(Oa) of KMVR and ordinary service can be operated up to 140kms and this permit is not renewable as per the said rule. This service cannot be converted as any other higher class service as per the clause 18 of the draft notification no. 5651/B2/2009/Tran dated.02/08/2012.

In the above circumstance the renewal of permit application is not maintainable and is **rejected**, there for there is no need of seeking concurrence.

**Item No 30:-**

Secretary is allowed to seek concurrence from Sister RTAs Kozhikkode & Thrissur.

**Item No 31:-**

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

**Item No 32:-**

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

**Item No 33 :-**

This route Palakkad - Kozhikkode is having a route length more than 141 kms. As per rule 2(Oa) of KMVR this permit cannot be renewed as an ordinary service and in view of draft notification no. 5651/B2/2009/Tran dated.02/08/2012 the service could not be converted as any higher class service. As per rule 2(Oa) of KMVR and ordinary service can be operated up to 140kms and this permit is not renewable as per the said rule. This service cannot be converted as any other higher class service as per the clause 18 of the draft notification no. 5651/B2/2009/Tran dated.02/08/2012.

In the above circumstance the renewal of permit application is not maintainable and is **rejected**, there for there is no need of seeking concurrence.

**Item No 34:-**

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

**Item No 35:-**

This route Palakkad - Kozhikkode is having a route length more than 141 kms. As per rule 2(Oa) of KMVR this permit cannot be renewed as an ordinary service and in view of draft notification no. 5651/B2/2009/Tran dated.02/08/2012 the service could not be converted as any higher class service. As per rule 2(Oa) of KMVR and ordinary service can be operated up to 140kms and this permit is not renewable as per the said rule. This service cannot be converted as any other higher class service as per the clause 18 of the draft notification no. 5651/B2/2009/Tran dated.02/08/2012.

In the above circumstance the renewal of permit application is not maintainable and is **rejected**, there for there is no need of seeking concurrence.

**Item No 36:-**

This is a Limited Stop Fast Passenger service permit and the concurrence is sought for the renewal of the same. As per clause 3 of draft notification No. 5651/B2/2009/Tran dated.02/08/2012 *the permits issued in the private sector prior on or before the date of this notification( 02/08/2012) will be allowed to continue till the dates of expiry of the respective permits and thereafter no permits, shall be renewed and no permit regular or temporary shall be issued afresh except otherwise than provided in sub section (2) of Section 99 of the Act.* This permit is not renewable as per the above mentioned notification. Hence **rejected** and there is no need of seeking concurrence.

**Item No 37:-**

Heard. The permit was valid up to 10/03/2012 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. Hence Secretary is **allowed** to seek concurrence from Sister RTA, Kozhikkode.

**Item No 38:-**

Heard. The permit was valid up to 01/09/2012 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. Hence renewal of regular permit **granted** from the date of application.

**Item No 39:-**

Heard.

1. Considering the request of the applicant and avarements there in the delay in making application for renewal permit is found as reasonable and this authority is inclined to condone delay.
2. This route Koorachundu – Palakkad is having a route length more than 140 kms. As per rule 2(Oa) of KMVR this permit cannot be renewed as an ordinary service and in view of draft notification no. 5651/B2/2009/Tran dated.02/08/2012 the service could not be converted as any higher class service. As per rule 2(Oa) of KMVR and ordinary service can be operated upto 140kms and this permit is not renewable as per the said rule. This service cannot be converted as any other higher class service as per the clause 18 of the draft notification no. 5651/B2/2009/Tran dated.02/08/2012.

In the above circumstance the renewal of permit application is not maintainable and is **rejected**, there for there is no need of seeking concurrence.

**Item No 40:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 41:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 42:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 43:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 44:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 45:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 46:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 47:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 48:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 49:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 50:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 51:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 52:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 53:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 54:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 55:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 56:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 57:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 58:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 59:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 60:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 61:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 62:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 63:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 64:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 65:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 66:-**

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

**Item No 67:-**

Heard. Transfer of permit in favor of Smt. Sainaba, W/o A K Muhammed Haji, Anchukandan House, Othukungal PO, Malappuram is allowed subject to clearance of Govt. dues if any.

**Item No 68:-**

Heard. Transfer of permit in favor of Smt. Sainaba, W/o A K Muhammed Haji, Anchukandan House, Othukungal PO, Malappuram is allowed subject to clearance of Govt. dues if any.

**Item No 69:-**

Heard. Transfer of permit in favor of Smt. Sainaba, W/o A K Muhammed Haji, Anchukandan House, Othukungal PO, Malappuram is allowed subject to clearance of Govt. dues if any.

**Item No 70:-**

Heard. Transfer of permit in favor of Smt. Mumthas, W/o Musthafa, Machinchery House, Ananthavoor, Thirunnavaya, Tirur is allowed subject to clearance of Govt. dues if any.

**Item No.71 :-**

Heard. The field officer's report shows that the proposed space, the infrastructure, its location and access road are not suitable to function as a bus stand. It is also seen reported that there is only a single common opening for the entrance and exit of the buses and it will cause traffic congestion inside the bus stand and outside on the road resulting frequent traffic block. Further it is seen reported that the buses could not get out of the bus stand without reversing during the exit which is having high possibility of causing accidents. Hence the proposed space is found as not suitable for bus stand and the request is rejected.

**Item 72:-** Heard. Granted

**Item 73:-** Heard. Granted

**Item 74:-** Applicant absent, adjourned.

**Item 75:-** Applicant absent, adjourned

**Item 76:-**

Heard. The timings of KL 53/A-5599 were settled and proceedings already issued on the basis of the order of Hon'ble STAT. This authority has no Suo moto review power to issue orders for further revision of timings already issued. Hence this authority could not grant any relief in this matter at this stage

**Item No 77:-**

Heard. This is an application for regular variation of permit by changing parking place from Koottilangadi to Malappuram Municipality in respect of Autorikshaw KL-10-AF-7360. As per the decision of RTA dated 21/10/2004 issue of Autorikshaw permits in the municipalities is restricted as it is already over saturated. The restriction was

imposed in view of the fact that the parking facility in urban areas are limited. This Autorikshaw is not purchased under any self employment scheme to get any exemption incorporated in the above decision. The secretary is directed to seek the availability of parking area for Autorikshaws in Malappuram municipality and also whether the applicant is a permanent resident of Malappuram municipality. Hence **adjourned**.

**Item No 78:-**

Heard. This is an application for regular variation of permit by changing parking place from Vadakkemanna to Malappuram Municipality in respect of Autorikshaw KL-10-AK-7159. As per the decision of RTA dated 21/10/2004 issue of Autorikshaw permits in the municipalities is restricted as it is already over saturated. The restriction was imposed in view of the fact that the parking facility in urban areas are limited. This Autorikshaw is not purchased under any self employment scheme to get any exemption incorporated in the above decision. The secretary is directed to seek the availability of parking area for Autorikshaws in Malappuram municipality and also whether the applicant is a permanent resident of Malappuram municipality. Hence **adjourned**.

**Item No 79:-**

Heard. The report sought from the committee constituted vide item no.161 dtd.23-08-2012 of this authority regarding the availability of Parking area for Autorikshaws at Tirur municipality is not seen received. Hence the decision on the application is **adjourned**.

**Item No 80:-**

Heard. The report sought for from Manjeri Municipality regarding the availability of Parking area for Autorikshaws is not seen received. The applicant has not produced any evidence to prove that the Autorikshaw is purchased under any self employment scheme to get any exemption incorporated in the above decision. Hence the decision on the application is **adjourned**.

**Item No 81:-**

Heard. This is an application for regular variation of permit by changing parking place from Irumbuzhi to Malappuram Municipality in respect of Autorikshaw KL-10-AD-5915. As per the decision of RTA dated 21/10/2004 issue of Autorikshaw permits in the municipalities is restricted as it is already over saturated. The restriction was imposed in view of the fact that the parking facility in urban areas are limited. This Autorikshaw is not purchased under any self employment scheme to get any exemption incorporated in the above decision. The secretary is directed to seek the availability of parking area for Autorikshaws in Malappuram municipality and also whether the applicant is a permanent resident of Malappuram municipality. Hence **adjourned**.

**Item No. 82:-**

Heard. The report sought from the committee constituted vide item no.161 dtd.23-08-2012 of this authority regarding the availability of Parking area for Autorikshaws at

Tirur municipality is not seen received. Hence the decision on the application is **adjourned.**

**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 and draft notification No.B2/5615/Tran dated 2/8/12 .

**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 and draft notification No.B2/5615/Tran dated 2/8/12 .

**Item No 85:-**

The permit was valid upto 12/2/2006. The route covered by this permit is having route length more than 140 kms and the service is now an ordinary service. As per rule 2(oa) of KMV rules 1989 an ordinary service can be operated on a route having route length up to 140 kms. As per clause 18 of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, the right to operate any class of service other than an ordinary service in the State of Kerala and to increase the trips shall be reserved to STU only. In the above circumstances this permit is not renewable even considering as any higher class of service. Hence request for renewal concurrence is rejected.

**Item No 86:-**

**Granted** concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service subject to draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 and 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 87:-**

**Granted** concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service subject to draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 and 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 88:-**

The permit was valid upto 12/2/2006. The route covered by this permit is having route length more than 140 kms and the service is now an ordinary service. As per rule 2(oa) of KMV rules 1989 an ordinary service can be operated on a route having route length up to 140 kms. As per clause 18 of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, the right to operate any class of service other than an ordinary service in the State of Kerala and to increase the trips shall be reserved to STU only. In the above circumstances this permit is not renewable even

considering as any higher class of service. Hence request for renewal concurrence is rejected.

**Item No 89:-**

This permit was valid up to 23/7/2007 and is a Super express service. As per clause 3 of draft notification No. 5651/B2/2009/Tran dated.02/08/2012 *the permits issued in the private sector prior on or before the date of this notification( 02/08/2012) will be allowed to continue till the dates of expiry of the respective permits and thereafter no permits, shall be renewed and no permit regular or temporary shall be issued afresh except otherwise than provided in sub section (2) of Section 99 of the Act.*

In view of the above notification this permit is not renewable and hence the request for renewal concurrence as Super express service is rejected.

**Departmental Item No.1:-**

Heard. Adjourned with direction to the Secretary to furnish an enquiry report regarding modification of decision in departmental item No.1 of RTA meeting held on 23-08-2012.

**Departmental Item No.2:-** Ratified the work done as per law by the Secretary for the compliance of court orders and smooth functioning in emergency situations.

**Supplementary Item No.1: -**

1) Perused the judgement of Hon'ble High Court in W.P(C) No.26081/2012 dated 06.11.2012. (2) Heard In obedience to the above judgment of Hon'ble high court reconsidered the application for regular permit. This RTA has earlier taken a stand not tot grant regular permits on application filed without offering vehicles or its specific material particulars and had adjourned those applications. The Hon'ble High Court in its judgment dated 06/11/2012 in wp© 20681/2012 quashed the above decision and directed to consider the application for fresh permit in the light of direction issued by the court in judgement on the basis of decision reported in E P Alavikutty 's case 2005(1) KLJ205. In view of the observations in the judgement regular permit **granted** subject to the production of six wheeled suitable stage carriage in compliance with GO(P) No 67/2011 dated 02/08/2011 within 30 days from the date of communication of this decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

**Supplementary Item No.2:-**

Heard. Perused the judgement in W.P(C) No.23221/2012 dated 17.10.2012. In obedience to the judgement of Hon'ble High Court considered the application for renewal of permit. This permit was valid up to 06.03.2011 and the application for renewal of permit filed on 07.02.2011 with out complying the provisions of Section 51(6) or (8) of M.V Act. The vehicle covered by the permit is financed by M/s.Shriram Transport Finance Company Limited, Naduvilangadi, Tirur and the finance company filed objection against the renewal of regular permit. In this circumstances the application for renewal is considered as per the provisions of Section 51(9) of M.V Act and is rejected.

**Supplementary Item No.3:-**

(1) Heard the counsel for permit holder. The contention of the counsel that the permit holder is not responsible for the accident is not acceptable. The driver and conductor was not represented. This is a matter of pure negligence, rashness and cruelty to the students depending stage carriage services for their conveyance to the schools and colleges. The report of Joint Regional Transport Officer, Perinthalmanna reveals the mode of handling of students in this bus and harassment by rejecting the traveling facility to the students. The negative attitude of the crew and their rude behaviour led to the death of a student.

The failure of the permit holder in supervision and control of his employees to ensure the smooth and safe operation of service has resulted in such a mishap. Thus the permit holder failed to comply with the sub rules 2, 3 & 4 of rule 153 of KMV rules 1989. As per section 86 of MV Act the permit is liable to be suspended or cancelled on the breach of any condition specified in section 84 or of any condition contained in the permit. In this case the commission of offence u/s 304 A of IPC by the stage carriage KL 10/N 7672 covered by the regular permit and thereby suspension of permit u/s 86 of MV Act is attracted. The authority after considering various aspects of road safety, students safe traveling, responsibility of permit holder in the smooth and safe operation service, behaviour of crew of stage carriages and the deep concern of Human Rights Commission regarding the harassment to children this authority thinks it necessary to suspend the permit of KL 10/N 7672 for a period of 10 days. Secretary is directed to effect the suspension complying the normal procedure and endorse the same on the permit.

(2) The driver was not present and not represented. On perusal of records this authority is convinced that the rashness, negligence to human life, indifferent attitude to students and negligence to driving regulations by the driver had led to this mishap and death of a student. Hence Secretary is directed to revoke the driving licence of the driver in charge of the vehicle KL 10/N 7672 Sri. Aboobacker, S/o Kutty Hassan, Kallianthodi house, Kachinikkad, Makkaraparamba after complying normal procedure.

(3) Sri. Santhosh Kumar, the conductor in charge of the vehicle not appeared. On perusal of reports in file it is found that his negligence, indifferent attitude to students and non-compliance of his duties as a conductor was the cause of this mishap and death of the student. Hence Secretary is directed to revoke his conductor licence, if any, or disqualify him from obtaining conductor licence for a period of three years after complying the normal procedure.

**Supplementary Item No.4:-**

The alleged conductor not present and not represented. There is no specific report about the incident. Hence Secretary is directed to conduct a detailed enquiry about the complaint and furnish a specific report on the complaint in the next meeting. Also verify whether the conductor involved in the allegation is a holder of conductor licence. The decision on the matter is **adjourned** for the compliance of above matters.

**Supplementary Item No.5:-**

Heard. The report sought by this authority regarding the availability of Parking area for Autorikshaws at Perinthalmanna municipality is not seen received. Hence the decision on the application is **adjourned**.

Sd/-

1. Sri. P.V. Varghese , Deputy Transport Commissioner, CZ-1, Thrissur ( Member)

Sd/-

2. Sri. K. Sethuraman, IPS, Superintendent of Police, Malappuram ( Member)

Sd/-

3. Sri. M.C. Mohandas, IAS, District Collector, Malappuram ( Chairman )