

Decision of RTA, Malappuram dated 28/07/2011

Item No 1

Perused the order of Hon'ble STAT in MVAA No. 132/2010. In view of the order of Hon'ble STAT fresh regular stage carriage permit granted subject to settlement of timings.

Item No 1(a)

Heard.

1. Perused the order of Hon'ble STAT in MVAA No. 113/2010. In obedience to the order of Hon'ble STAT the regular stage carriage permit granted subject to settlement of timings and subject to the disposal of any appeal or writ files by the Government.
2. The route for which the permit is granted is overlapping on the notified route for more than 5% of the route length and is the violation of notification no 42/2009/TRAN dated. 14/07/2009. Hence Secretary is directed to seek permission from Govt. for filing appeal or writ against order of STAT. Secretary is also directed to endorse the condition in the permit as given above.

Item No 2

Heard. The applicant has not furnished the mandatory specification as per the application form prescribed under rule 143(a) of KMVR 1989 such as seating capacity, maximum laden weight, wheel base etc. The STA has taken decision not to grant permits to stage carriages having wheel base below 306cm or vehicle having less than 6 wheels, two in front and four in the rear axle. Hence the application is adjourned for the compliance of the above matters.

Item No 3

Heard. The applicant produced Stage Carriage KL-11-L-9048 having wheel base 310cm before this authority. Regular permit granted subject to the production of modified time schedule with 2.5 minutes per kilometer as running time so as to maintain parity of running time with other Ordinary services and subject to settlement of timings.

Item No 4

Heard. Regular Permit granted subject to settlement of timings.

Item No 5

Heard. The applicant produced Stage Carriage KL-08-W-7720 having wheel base 380cm, which is a six wheeler. Regular Permit granted subject to settlement of timings.

Item No 6

Heard. Regular Permit granted subject to settlement of timings.

Item No 7

Heard. Regular Permit granted subject to settlement of timings.

Item No 8

Heard.

1. The KSRTC raised objection regarding the distance of overlapping on notified route stating that there is 6 km overlapping on the notified route which is more than the permissible limit as per clause 5(c) of notification No. 42/2009/TRAN dated 14/07/2009. But as per the report of MVI the overlapping is noted as 4.5km only. Hence a specific report after exact measurement is required. Secretary is directed to ascertain the exact distance of overlapping and place before next RTA.
2. The running time is found as 2 minutes per kilometer as per the proposed time schedule. The applicant is directed to furnish a modified time sheet so as to maintain parity among with other similar ordinary services.

For the above reasons the application is adjourned.

Item No 9

Heard. Regular Permit granted subject to settlement of timings.

Item No 10

Heard. The KSRTC raised objection regarding the distance of overlapping on notified route stating that there is 8 km overlapping on the notified route which is more than the permissible limit as per clause 5(c) of notification No. 42/2009/TRAN dated 14/07/2009. But the MVI in his report has furnished the overlapping distance as 3.5 km. Hence the application is adjourned with direction to the Secretary to ascertain the exact distance of overlapping on the notified route.

Item No 11

Heard. Regular Permit granted subject to settlement of timings.

Item No 12

Granted regular permit.

Item No 13

Granted regular permit.

Item No 14

Heard. The route applied overlaps on the notified route on a distance of 2.5 kms. The application is for grant of fresh Temporary Permit U/S 104 of KMV Act. As per clause 19 of notification no. 42/2009/TRAN dated 14/07/2009 the right to operate new services on the notified route and its portions is reserved exclusively to KSRTC. The KSRTC raised objection stating that they are operating service through this notified route. Hence grant of this permit will violate the above said notification and the application for Temporary Permit is not maintainable and is rejected.

Item No 15

Heard. Variation of permit granted subject to settlement of timings.

Item No 16

Heard. Variation of permit granted subject to settlement of timings.

Item No 17

Heard. The proposed variation will result in the curtailment of route portion from Kadavallur DB to Edappal for a distance of 12 km at the morning and evening trip. The representatives of Passengers Association and other representatives of local people raised objections against the curtailment of trips, stating that this is an ordinary service which is utilized by the daily commuters especially at morning and evening time. The most of the services through the curtailing portion are Limited Stop Ordinary Services, Limited Stop Fast Passenger and Super Fast services. The MVI has also reported that the curtailment will adversely affect the existing traveling public.

For the above reasons the variation application is rejected.

Item No 18

Heard. The variation proposal is for the curtailment of morning trip through C V junction, Nariparamba, Pothannur, Polpakara, Thattanpadi, Edappal on a distance of 19 kms and route curtailment through Thattanpadi, Polpakara, Pothannur, Nariparamba and C V junction. This portion is an ill served area and the applicant obtained the regular permit stating that the proposed curtailing portion is an ill served area. The representatives of passengers association and local people raised vehement objections against the proposed curtailment. The MVI also reported that the curtailment will adversely affect traveling public.

For the above reasons the variation application is rejected.

Item No 19

Heard. The variation proposed includes curtailment of the route portion from Eramangalam to Changaramkulam and extension from Eramangalam to Kundukadavu Palam. The report of MVI is not specific regarding the comparative advantage or disadvantage of proposed variation. Hence the Secretary is directed to conduct a detailed enquiry on the effect of the proposed variation.

For the above reasons the variation application is adjourned.

Item No 20

Heard. Variation of permit granted without any route change in the existing time schedule between Manjeri and Malappuram subject to settlement of timings.

Item No 21

Heard. Perused the judgment in WP© No.16416/2011 dated.27/06/2011. Considered the application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger and application for extension of service from Indianoor to Padaparamba a distance of 10 kms. The existing permit is valid up to 10/06/2014 with the route length 135.5 kms which is permitted to operate as an ordinary service as per Rule 2(0a). Now the vehicle is operating as Limited Stop Ordinary Service and the traveling facility by this service is availed by the daily commuters and students of the operating route. This service can be operated as an ordinary service with the existing route length and the route length does not necessitate the conversion of service as Fast Passenger for its existence. This permit was issued on the basis of the then existed need of traveling public including students. The conversion of this service is requested without any special circumstance and will adversely affect the existing traveling public including students. The students will be deprived of their existing concessional rate traveling facility and the daily commuters depending this service will have to pay more fare without any additional facilities. From

the conversion sought for, it is also clear that the intention of the applicant is to reduce the existing stops, running time and there by increasing of speed, which is detrimental to the public and a potential threat to the society, which cannot be allowed. Due to this conversion the permit holder alone is benefited and the KSRTC operating Fast Passenger and Super Fast Passenger services operating on major portion of the route also objected the conversion of this service. For the above reasons the application for conversion of the service as Fast Passenger Service is rejected.

Considered the variation application to extend the route from Indianoor to Padaparamba on a distance 10 kms. This extension proposed is not well supported by the field officer conducted enquiry in this matter. On the other hand he has reported that the conversion requested on the basis of the extension will badly affect KSRTC, Students and other daily commuters.

On perusal of the time schedule proposed after extension it is found that only the last trip is extended up to Padaparamba and even the starting trip is proposed from the existing terminus. In this circumstance it is clear that an extension of route on a distance of 10kms is proposed for the existing route having route length 135.5 kms is only to make the conversion of service as Fast Passenger an inevitable necessity in view of Rule 2(0a) of KMVR 1989. In result this proposed variation to extend the service is not having any merits and hence the variation application to extend the route is rejected.

Item No 22

Heard. The KSRTC raised vehement objection against the proposed variation stating that the deviation through Thiruvalli from Cherani will overlap on the notified portion of Kozhikkode – Vazhikkadavu notified route on a distance of 7 kms. As per clause 19 of notification no. 42/2009/TRAN dated 14/07/2009 the right to operate new service and to increase the trips on the notified route and its portions is reserved exclusively to KSRTC. The application is adjourned with direction to place before next RTA with specific report regarding the exact distance of overlapping after variation.

Item No 23

Heard. Variation of permit granted subject to settlement of timings.

Item No 24

Heard. The proposed variation is not on the basis of any change in circumstances as per rule 145(6) of KMV Rules 1989. As per the report of field officer the trip curtailment proposed and the deviation will adversely affect the traveling public and will make clashes with other services. Even though an extension is proposed comparatively the variation is having more disadvantages. Hence the application for variation is rejected.

Item No 25

Heard. Variation of permit granted without curtailment of last trip at 7.10 p.m from Kalikavu to Parasseri subject to settlement of timings.

Item No 26

Heard. This permit was obtained on the basis of the then existed need of traveling public and students. Now no change of circumstances is reported as laid down in rule 145(6) of KMVR 1989. More over the field officer has reported that the curtailment of route will

adversely affect the traveling public and students. Due to this curtailment the traveling public and students are losing the existing traveling facility and the variation proposed is having no advantage. Hence the variation application is rejected.

Item No 27

Heard. Perused the order of Hon'ble STAT in MVAA 146/2010 dated 27/12/2010, in view of the order variation granted subject to settlement of timings.

Item No 28

Heard. Variation of permit granted subject to settlement of timings.

Item No 29

Heard the Counsel. The variation application is filed on 30/03/2011. The permit holder is reported as expired on 23/04/2011. The person succeeding possession has not so far completed the transfer procedure and has not applied for transfer of permit. Hence the variation application is adjourned to consider along with transfer of permit application. Secretary is directed to issue Temporary Permit u/s 87(1)(d) for continuation of service.

Item No 30

Heard. The variation applied for is to curtail two morning trips and two evening trips on the portion between Cherumuttam to Puthiyodathparamba. There is no circumstances as laid down under rule 145(6) of KMVR, necessitating the proposed curtailment. As per the report of field officer the curtailment will adversely affect the traveling public depending this service and the proposed time change will clash with other services specifically. The variation proposed is completely disadvantageous and hence rejected.

Item No 31

Heard. The variation proposed is for the curtailment of two trips between Perinthalmanna and Palakkad a distance of 70 kms and to finish the service at 8.30pm instead of 12.14 midnight. There is nothing about the effect of curtailment in the report of field officer other than regarding the benefit of KSRTC. Hence adjourned with direction to the Secretary to furnish the effect of curtailment specifically and to seek concurrence from RTA, Palakkad since the curtailing portion 58 kms lies in Palakkad district.

Item No 32

Heard. The proposed variation is not on the basis of any change in circumstances as per rule 145(6) of KMV Rules 1989. As per the report of field officer the trip curtailment proposed and the deviation will adversely affect the traveling public and will make clashes with other services. Even though an extension is proposed comparatively the variation is having more disadvantages. Hence the application for variation is rejected.

Item No 33

Heard. The proposed variation is not on the basis of any change in circumstances as per rule 145(6) of KMV Rules 1989. The report of field officer is not specific and he has not reported the effect of curtailment from Theyyala to Thirur via Chembra. The Secretary is directed to obtain a specific report regarding the effect of curtailment. Hence adjourned for the compliance of above matter.

Item No 34

Heard. As per the Item No.51 of agenda of this meeting the application for renewal is placed before this authority. The Secretary is directed to seek concurrence from the sister RTAs as the route covered by the permit is an inter district route. The concurrence is necessary for the renewal of permit. The permit was valid only up to 03/06/2011. In view of the above matters the application for conversion of service is adjourned.

Item No 35

Heard. This is an application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger Service. The route length of this service is 129kms only and permit is valid up to 09.04.2014. An Ordinary Service can be operated up to 140kms as per rule 2 (0a) of KMVR. Hence nature of this service can be continued as an ordinary service as per the existing rules. The route length does not necessitate the conversion of service as Fast Passenger Service for its existence. This permit was issued on the basis of the then existed need of Traveling public including students. The conversion of service without any special circumstances will adversely affect the traveling public. The students will be deprived of their existing concessional rate of traveling facility and the daily commuters depending upon this service will have to pay more fare without availing any additional facilities. From the variation sought it is also clear that the indention of the applicant is to reduced the existing stop, running time and their by increasing speed which is detrimental to the public and a potential threat to the society, which cannot be allowed. Due to this conversion the permit holder alone is benefited. The KSRTC conducting several Fast Passenger and Super Fast Services on this route has also objected the conversion of service as Fast Passenger stating that the converted service can only be considered as a new service and then it will violate the Notification No.42/2009/TRAN dated 14.07.2009. There are so many services operating as ordinary service and Limited Stop Ordinary Services having rout length between 70kms and 140kms in the state. If such services are converted as Fast Passenger Services the traveling public and students will be put in to hardship and unjustifiable economic losses for their daily traveling facilities. For the above reasons the application for conversion is rejected.

Item No 36

Heard.

1. Perused the order of Hon'ble STAT in MVARP No. 82/2011.
2. In obedience to the order of Hon'ble STAT the conversion of service as Fast Passenger Service is granted subject to remittance of fee for variation and compliance of rule 260(A) of KMV Rule 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and there fore there is no change in rate of running time and number of stops.

Item No 37

Heard. The permit is valid up to 30/03/2010 and the concurrence sought for from sister RTAs are not received and hence the permit renewal application is pending. Hence the application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger is adjourned to consider along with the renewal application. Secretary is directed to ascertain whether the concurrence is received.

Item No 38

Heard. This is an application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger Service. The route length of this service is 128kms only and permit is valid up to 26.12.2012. An Ordinary Service can be operated up to 140kms as per rule 2 (0a) of KMVR. Hence nature of this service can be continued as an ordinary service as per the existing rules. The route length does not necessitate the conversion of service as Fast Passenger Service for its existence. This permit was issued on the basis of the then existed need of Traveling public including students. The conversion of service without any special circumstances will adversely affect the traveling public. The students will be deprived of their existing concessional rate of traveling facility and the daily commuters depending upon this service will have to pay more fare without availing any additional facilities. From the variation sought it is also clear that the indention of the applicant is to reduced the existing stop, running time and their by increasing speed which is detrimental to the public and a potential threat to the society, which cannot be allowed. Due to this conversion the permit holder alone is benefited. The KSRTC conducting several Fast Passenger and Super Fast Services on this route has also objected the conversion of service as Fast Passenger stating that the converted service can only be considered as a new service and then it will violate the Notification No.42/2009/TRAN dated 14.07.2009. There are so many services operating as ordinary service and Limited Stop Ordinary Services having rout length between 70kms and 140kms in the state. If such services are converted as Fast Passenger Services the traveling public and students will be put in to hardship and unjustifiable economic losses for their daily traveling facilities. For the above reasons the application for conversion is rejected.

Item No 39

Heard. This is an application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger Service. The route length of this service is 152.5kms only and permit is valid up to 28.11.2015. This authority considered the application for variation by conversion of nature of service as Fast Passenger and rejected for the following reasons.

- 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) As per the notification No. 42/2009/TRAN dated 14.07.2009 the right to operate any new service is reserved exclusively to State Transport Undertaking only. If the conversion of service as Fast Passenger Service is granted it will result as introduction of a new service and will violate the above said notification.
- c) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
- d) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.

Item No 40

Heard. This is an application for conversion of service from Limited Stop Ordinary Service to Super Fast Service. The permit is valid up to 04.02.2012 and the route length is 196 kms. Considered the application for variation by conversion of nature of service as Super Fast service and rejected for the following reasons.

- a) The KSRTC vehemently objected the conversion of the service as Super Fast 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) As per the notification No. 42/2009/TRAN dated 14.07.2009 the right to operate any new service is reserved exclusively to State Transport Undertaking only. If the conversion of service as Super Fast Service is granted it will result as introduction of a new service and will violate the above said notification.
- c) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
- d) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.

Item No 41

Heard.

1. Perused the order of Hon'ble STAT in MVARP No. 91/2011.
2. In obedience to the order of Hon'ble STAT the conversion of service as Fast Passenger Service is granted subject to remittance of fee for variation and compliance of rule 260(A) of KMVR 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and there fore there is no change in rate of running time and number of stops.

Item No 42

Heard.

1. Perused the order of Hon'ble STAT in MVARP No. 95/2011 dated 07/03/2011
2. In obedience to the order of Hon'ble STAT the conversion of service as Super Fast is granted subject to remittance of fee for variation and compliance of rule 260(A) of KMVR 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and there fore there is no change in rate of running time and number of stops.

Item No 43

Heard.

1. Perused the judgment order of Hon'ble High Court in WP© No.4908/2011 dt.19/04/2011.
2. In obedience to the judgment of Hon'ble High Court in WP© 4908/2011 considered the application for conversion of service from Limited Stop Ordinary Service to Limited Stop Fast Passenger and rejected for the following reasons.
 - 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) As per the notification No. 42/2009/TRAN dated 14.07.2009 the right to operate any new service is reserved exclusively to State Transport Undertaking only. If the conversion of service as Fast Passenger Service is granted it will result as introduction of a new service and will violate the above said notification.

- c) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
- d) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.

Item No 44

Heard. This is an application for variation of permit to extend the route from Kuttiadi to Nadapuram and then convert the service as Super Fast. Secretary is directed to seek concurrence from RTA, Vatakara for variation of service and extension of route. Secretary is directed to ascertain the jurisdiction in which major portion of the route lies.

Item No 45

Heard.

1. Perused the order of Hon'ble STAT in MVARP No. 310/2010 dt. 28/12/2010.
2. In obedience to the order of Hon'ble STAT the conversion of service as Fast Passenger Service is granted subject to remittance of fee for variation and compliance of rule 260(A) of KMVR 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and there fore there is no change in rate of running time and number of stops.

Item No 46

Heard.

1. Perused the order of Hon'ble STAT in MVARP No. 93/2011 dated 03/03/2011.
2. The regular permit is valid up to 22/07/2011 only. The permit renewal application is pending for want of concurrences from sister RTAs. In obedience to the order of Hon'ble STAT conversion of service as Super Fast granted subject to the renewal of permit and subject to remittance of fee for variation and compliance of rule 260(A) of KMVR 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and there fore there is no change in rate of running time and number of stops.

Item No 47

Heard. This is an application for conversion of service as Limited Stop Fast Passenger. The permit is valid up to 19/09/2013 with route length 128 kms. An Ordinary Service can be operated up to 140kms as per rule 2 (0a) of KMVR. Hence nature of this service can be continued as an ordinary service as per the existing rules. The route length does not necessitate the conversion of service as Fast Passenger Service for its existence. This permit was issued on the basis of the then existed need of Traveling public including students. The conversion of service without any special circumstances will adversely affect the traveling public. The students will be deprived of their existing concessional rate of traveling facility and the daily commuters depending upon this service will have to pay more fare without availing any additional facilities. From the variation sought it is also clear that the indention of the applicant is to reduced the existing stop, running time and their by increasing speed which is detrimental to the public and a potential threat to the society, which cannot be allowed. Due to this conversion the permit holder alone is benefited. The KSRTC conducting several Fast Passenger and Super Fast Services on this route has also objected the conversion of service as Fast Passenger stating that the converted service can only be considered as a new service and then it will violate the

Notification No.42/2009/TRAN dated 14.07.2009. There are so many services operating as ordinary service and Limited Stop Ordinary Services having route length between 70kms and 140kms in the state. If such services are converted as Fast Passenger Services the traveling public and students will be put in to hardship and unjustifiable economic losses for their daily traveling facilities. For the above reasons the application for conversion is rejected.

Item No 48

Heard.

1. Perused the order of Hon'ble STAT in MVARP No 110/2011 dated 15/03/2011
2. In obedience to the order of Hon'ble STAT the conversion of service as Super Fast is granted subject to remittance of fee for variation and compliance of rule 260(A) of KMVR 1989. Considering the safety aspect and present road infrastructure it is also decided not to reduce running time by increasing the speed at which the service is operating and therefore there is no change in rate of running time and number of stops

Item No 49

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 50

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Thrissur

Item No 51

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Thrissur

Item No 52

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 53

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Thrissur

Item No 54

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 55

Secretary is allowed to seek concurrence from Sister RTA Thrissur.

Item No 56

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 57

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 58

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Thrissur

Item No 59

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Palakkad

Item No 60

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Palakkad

Item No 61

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 62

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Palakkad

Item No 63

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

Item No 64

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 65

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 66

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 67

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 68

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 69

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 70

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 71

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 72

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Item No 73

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 74

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 75

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 76

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 77

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 78

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 79

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 80

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 81

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

Item No 82

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 83

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 84

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

Item No 85

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 86

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 87

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode.

Item No 88

Heard. The Permit holder is not having a Stage Carriage registered in his name to operate service. The vehicle operating service is taken on lease/hire agreement. The transferee (2nd applicant) in this case has not offered any vehicle registered in his name. The permit holder could not transfer the vehicle now operating on this permit to the 2nd applicant on his will, even though the transfer of permit is allowed. No agreement or consent of the owner (Registered Owner) of the vehicle now operating on the permit is seen produced. The existing hire agreement conditions made between the permit holder and the registered owner of the vehicle operating service on the permit (KL-55-F-113) and also regarding any other HP agreement entered with any finance company U/S 51 of Motor Vehicle Act are not seen furnished. In this circumstances the application for transfer of permit can be considered as a method adopted for permit trafficking. For the above reasons this authority could not convince that this application for transfer of permit is a bonafide one. Hence the transfer of permit application is rejected.

Item No 89

Heard both the applicants and transfer of permit allowed.

Item No 90

Heard both the applicants and transfer of permit allowed.

Item No 91

Heard both the applicants and transfer of permit allowed.

Item No 92

Heard both the applicants and transfer of permit allowed.

Item No 93

Heard both the applicants and transfer of permit allowed.

Item No 94

Heard both the applicants and transfer of permit allowed.

Item No 95

Heard both the applicants and transfer of permit allowed.

Item No 96

Heard both the applicants and transfer of permit allowed.

Item No 97

Heard both the applicants and transfer of permit allowed.

Item No 98

Heard both the applicants and transfer of permit allowed.

Item No 99

Heard both the applicants and transfer of permit allowed.

Item No 100

Heard both the applicants and transfer of permit allowed.

Item No 101

Duplication of item 88.

Item No 102

Heard both the applicants and transfer of permit allowed.

Item No 103

Heard both the applicants and transfer of permit allowed.

Item No 104

Heard both the applicants and transfer of permit allowed.

Item No 105

Heard both the applicants and transfer of permit allowed.

Item No 106

Heard both the applicants and transfer of permit allowed.

Item No 107

Heard both the applicants and transfer of permit allowed.

Item No 108

Heard both the applicants and transfer of permit allowed.

Item No 109

Heard both the applicants and transfer of permit allowed.

Item No 110

Heard both the applicants and transfer of permit allowed.

Item No 111

Heard both the applicants and transfer of permit allowed.

Item No 112

Heard both the applicants and transfer of permit allowed.

Item No 113

Heard both the applicants and transfer of permit allowed.

Item No 114

Heard both the applicants and transfer of permit allowed.

Item No 115

Heard both the applicants and transfer of permit allowed.

Item No 116

Heard both the applicants and transfer of permit allowed.

Item No 117

Heard both the applicants and transfer of permit allowed.

Item No 118

Heard both the applicants and transfer of permit allowed.

Item No 119

Heard both the applicants and transfer of permit allowed.

Item No 120

Heard both the applicants and transfer of permit allowed.

Item No 121

Heard both the applicants and transfer of permit allowed.

Item No 122

Heard both the applicants and transfer of permit allowed.

Item No 123

Heard both the applicants and transfer of permit allowed.

Item No 124

Heard both the applicants and transfer of permit allowed.

Item No 125

Heard both the applicants and transfer of permit allowed.

Item No 126

Heard both the applicants and transfer of permit allowed.

Item No 127

Heard both the applicants and transfer of permit allowed.

Item No 128

Heard both the applicants and transfer of permit allowed.

Item No 129

Heard both the applicants and transfer of permit allowed.

Item No 130

Heard both the applicants and transfer of permit allowed.

Item No 131

Heard both the applicants and transfer of permit allowed.

Item No 132

Heard both the applicants and transfer of permit allowed.

Item No 133

Heard both the applicants and transfer of permit allowed.

Item No 134

Absent. Adjourned

Item No 135

Heard both the applicants and transfer of permit allowed.

Item No 136

Heard both the applicants and transfer of permit allowed.

Item No 137

Heard both the applicants and transfer of permit allowed.

Item No 138

Heard both the applicants and transfer of permit allowed.

Item No 139

Heard both the applicants and transfer of permit allowed.

Item No 140

Heard both the applicants and transfer of permit allowed.

Item No 141

Heard.

1. Perused the judgment in WP© No 11642/2011 dated 11/04/2011 of Hon'ble High Court of Kerala.
2. In obedience to the judgment of Hon'ble High Court the application for renewal is considered. This permit expired on 18/01/2011 and the applicant filed renewal application on 21/03/2011 belatedly. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 142

Absent. Adjourned.

Item No 143

Heard. Perused the letter No. G4/23648/2011 from Collectorate Malappuram. This permit expired on 09/04/2011 and the applicant filed renewal application on 10/05/2011 belatedly. This permit was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 144

Heard. This permit expired on 21/03/2011 and the applicant filed renewal application belatedly on 23/06/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 145

Heard. This permit expired on 20/03/2011 and the applicant filed renewal application belatedly on 22/06/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 146

Heard. This permit expired on 14/02/2011 and the applicant filed renewal application belatedly on 17/02/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 147

Heard. This permit expired on 21/02/2011 and the applicant filed renewal application belatedly on 24/03/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 148

Heard. This permit expired on 06/02/2011. The applicant filed renewal application belatedly on 16/02/2011. This authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason and hence delay condoned.

This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 24/01/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-10-K-1917 having only 4 wheels.

Item No 149

Heard. This permit expired on 05/04/2011 and the applicant filed renewal application belatedly on 11/04/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 150

Heard. This permit expired on 05/04/2011 and the applicant filed renewal application belatedly on 11/04/2011. This permit was issued prior to 09/05/2006. Perused the medical certificate and delay condonation application and this authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason. Hence delay condoned and renewal granted.

Item No 151

Heard. This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 22/03/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-10-K-6731 having only 4 wheels.

Item No 152

Heard. This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 05/04/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-10-K-9124 having only 4 wheels.

Item No 153

Heard. Variation of permit granted subject to settlement of timings and fixation of fare stage considering the distance of extension without interruption to the existing stages.

Item No 154

Heard.

1. This permit expired on 08/04/2011. The applicant filed renewal application belatedly on 01/04/2011. This authority is convinced that the applicant was prevented from filing application for renewal of permit for good and sufficient reason and hence delay condoned.

This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 24/01/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits

to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-12-A-7005 having only 4 wheels.

- 2 In view of rejection of renewal application of regular permit the application U/S 87(1)d is not maintainable, hence rejected.

Item No 155

Heard.

1. This permit expired on 23/05/2011 and the application for renewal of permit is filed belatedly on 19/05/2011 and no application for delay condonation is received.
2. The vehicle covered by this permit is a 4 wheeler. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

For the above reasons and also considering the safety of traveling public and other road users, the application for renewal of regular permit in respect of the four wheeled Stage Carriage KL-11-J-2662 is rejected.

Item No 156

Heard. This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 24/01/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable through out the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable through out the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-10-L-8768 having only 4 wheels.

Item No 157

Heard. This is an application for renewal of regular permit in respect of stage carriage having only 4 wheels. The permit was valid till 04/04/2011. Considering the risk of operating 4 wheeled vehicles as stage carriages the Regional Transport Authority, Malappuram had taken a decision in its meeting held on 18/02/2003 that fresh permit will not be granted to 4 wheeled mini buses and the existing 4 wheeled stage carriages would be replaced with 6 wheeled stage carriages before the expiry of its permit.

This decision was challenged by the bus operators and their associations in the Hon'ble High Court filing Writ Appeal against the judgment in WP© 33747/2003 dated 03/12/2003 of the Hon'ble Single Judge of High Court. The Division Bench of Hon'ble High Court disposed the Writ Appeal in a common judgment dated 21/10/2004 in WA 2073/2003 in which the Hon'ble Court has held that the Government have got power to decide the issues regarding the type of vehicles and specifications of vehicles for which permits are issued. The Hon'ble Court also directed the operators applying for renewal to give an undertaking that they would replace the vehicle with 6 wheeled vehicles within 3 months. And also directed the Government to pass orders in this matter which is applicable throughout the state.

It can be seen from the above mentioned judgment that the Hon'ble Court is not against the interest in the decision of Regional Transport Authority and has only directed the Government to pass appropriate orders applicable throughout the state.

Consequently the State Transport Authority has taken a decision in its meeting held on 03.03.2009 in which it was that not to grant fresh permits or renewal of permits to stage carriages having wheel base less than 306 cms and wheels less than six. This decision was communicated to all Regional Transport Authorities and is binding to all Regional Transport Authorities in the state.

“Stage carriage permit shall not be issued, renewed or countersigned in respect of vehicles having wheel base below 306cms and vehicles having less than six wheels, two in the front and 4 in the rear axle.”

Consequently most of the 4 wheeled stage carriages have been replaced in compliance with the above decision. This permit holder had also got ample time to replace the 4 wheeled stage carriage operating on this permit. Now the permit issued 5 years ago had expired and

the permit holder has not produced a suitable vehicle in compliance with the decision of STA meeting held on 03/03/2009 vide item 5.

Considering the above and also the safety of traveling publics and other road users this authority rejected the renewal of regular permit in respect of Stage Carriage KL-10-P-126 having only 4 wheels.

Item No 158

Heard. Perused the Judgment in WP (C) 7873/2010 of Hon'ble High Court dated 11/03/2010.

Considered the application filed by Sri. Hussain, the Registered Owner of the S/C KL 12/B 1735 for the issue of temporary permit U/S 87(1)d of MV Act to the above vehicle. On perusal of records and up on hearing it is found that this vehicle KL 12/B 1735 was not covered by any regular permit and no renewal of regular permit application is pending in respect of this vehicle. The regular permit of the S/C KL 07/D 4770 was valid up to 6-4-2006 and the renewal of permit was not availed by the permit holder by producing current records within the time prescribed under rule 172 (3) of KMV Rules 1989 and even till date. Hence the grant of renewal of permit is revoked.

In the instant case the temporary permit U/S 87 (1)d is applied for another vehicle and the said application is not maintainable U/S 87(1)d of MV Act 1988.

Moreover the route on which the temporary permit applied is overlapping on the notified route Kozhikode-Vazhikkadavu on a distance of 8 kms from Manjeri to Karakkunnu which is more than the permissible limit of 5% of route line and the maximum limit of 5 kms as per clause 5 (C) of notification No. 42/2009/TRAN dated 14/07/2009. The route applied is violating the above notification. Hence this temporary permit application is not maintainable and is rejected for the above reasons.

Item No 159

Heard. The permit was granted on 22/12/2010 and the grantee produced the current records of a vehicle other than that offered at the time of RTA meeting on 18/02/2011. The timings are settled on 17/05/2011. In this circumstances permission granted to change the vehicle subject to condition that the vehicle shall be identical to the offered vehicle, the wheel base shall not be less than 306 cms, the number of wheels shall not be less than six and seating capacity not less than offered vehicle.

Item No 160

Heard. The permit was granted on 24/06/2010 and the grantee produced the current records on 29/09/2010. The timings are settled on 12/05/2011. In this circumstances permission granted to change the vehicle subject to condition that the vehicle shall be identical to the offered vehicle, the wheel base shall not be less than 306 cms, the number of wheels shall not be less than six and seating capacity not less than offered vehicle.

Item No 161

Heard. The permit was granted on 22/12/2010 and the decision communicated to the grantee on 24/01/2011. The grantee has not produced the current records of the vehicle with in the period prescribed under rule 159(2) of KMVR 1989.

As per rule 159(2) of KMV Rules 1989 the current records of the vehicle shall be produced within 4 months in aggregate. In this case the current records of the vehicle were not produced within the prescribed period of 4 months and even after 7 months. Hence the grant of the permit is revoked.

Item No 162

Heard. The permit was granted on 22/12/2010 and the grantee produced the current records on 08/02/2011. The timings are settled on 17/05/2011. In this circumstances permission granted to change the vehicle subject to condition that the vehicle shall be identical to the offered vehicle, the wheel base shall not be less than 306 cms, the number of wheels shall not be less than six and seating capacity not less than offered vehicle.

Item No 163

Applicant absent. This variation was granted on 24/06/2010 and the maximum period for production of current records of the vehicle and to endorse the variation under rule 159(2) of KMV Rule 1989 is over. The permit holder also requested to revoke the grant of variation. Hence the grant of variation is revoked.

Item No 164

Heard.

1. The renewal of permit was granted on 13/12/2010. It is reported that the records produced on 21/01/2011 subsequent to the grant of renewal of permit were not current and hence the grantee had not complied the rule 172(3) of KMV Rule 1989 even after 7 months from the date of grant of the renewal of permit. Hence the grant of renewal of permit is revoked.
2. Heard. As the grant of renewal of permit is revoked there is no valid regular permit to grant permission for transfer. As per the enquiry report on the transfer application, the permit holder is not in India for the last four years. The application for transfer of permit is seen as if signed by the permit holder and is in his name. Hence its bonafideness could not be ascertained in the absence of legal documents and legally authenticated person. For the above reasons the application for transfer of permit is rejected.

Item No 165

Heard. Perused the request of Chairman, Nilambur Municipality and also heard the objector Sri. E D Mathai. This RTA had taken a decision on restricting the issue Auto Rickshaw permits with parking place in side the Municipal areas of Malappuram Dist. The Nilambur Municipality was not in existence while the above decision was taken. Hence considering the request of the Chairman, Nilambur Municipality and the objector it is decided to grant 250 more auto rickshaw permits with parking place inside the Nilambur Municipality subject to the following conditions.

1. A team headed by the Secretary, Nilambur Municipality with C I of Police, Nilambur and MVI, Malappuram as members will identify the parking space at various locations inside the municipal area and allot the parking places with priority to those existing Auto rickshaws issued with permits with parking place at Mukkatta on request from those Auto rickshaw permit holders. Secretary is directed to constitute the team and call for report with specific recommendations on the availability of parking space inside the Municipality and number of Auto rickshaws that can be accommodated.

2. Preference shall be given to the permit holders residing in side the Nilambur Municipality.

Item No 166

Heard.

1. Perused the order of Hon'ble STAT in MVAA 135/2011
2. In view of the order of Hon'ble STAT variation of permit condition of A/R KL 10/AF 7427 granted to change parking place from Kodur to Malappuram Municipality.

Item No 167

Heard.

1. Perused the order of Hon'ble STAT in MVAA 74/2011
2. In view of the order of Hon'ble STAT variation of permit condition of A/R KL-10-AF-5553 granted to change parking place from Oorakam to Malappuram Municipality.

Item No 168

Heard.

1. Perused the order of Hon'ble STAT in MVAA 135/2010
2. In view of the order of Hon'ble STAT variation of permit condition of A/R KL 10 K 5682 granted to change parking place from Thalakadathur to Tirur.

Item No 169

Heard.

1. Perused the order of Hon'ble STAT in MVAA 144/2010
2. In view of the order of Hon'ble STAT variation of permit condition of A/R KL-10-L-4432 granted to change parking place from Moochikkal to Tirur.

Item No 170

Heard.

1. Perused the order of Hon'ble STAT in MVAA 138/2010
2. In view of the order of Hon'ble STAT variation of permit condition of A/R KL-10-D-7254 granted to change parking place from Moochikkal to Tirur.

Item No 171

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency
2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 172

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency

2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 173

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency
2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 174

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency
2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 175

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency
2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 176

Heard.

1. Perused the letter dated 06/07/2011 of Sri. Mammotty, MLA, Tirur Legislative Assembly Constituency
2. The availability of parking space for Auto rickshaws is to be ascertained through the concerned authority of Municipality. Secretary is directed to ascertain the same and whether the Auto rickshaw is purchased under any self employment scheme of Govt. Hence adjourned.

Item No 177

Applicant absent. Hence adjourned.

Item No 178

Heard. Variation of permit granted subject to settlement of timings and fixation of fare stage considering the distance of extension without interruption to the existing stages.

Item No 179

Heard. The variation considered in view of the representation from President, Grama Panchayath, Chungathara requesting extension of service to Perimbiladu, an ill served area. The Field Officer reported that curtailment of existing trip to Nilambur is a well served area. The variation of permit granted subject to the correction in the proposed time schedule in relation to the variation application in the agenda. The Secretary is directed to settle the timings after notifying the correction in the agenda.

Item No 180

Heard. The variation includes curtailment of route portion Koottapadi to Chungathara and the field officer has reported that among the curtailment proposed in the variation, the curtailment between Koottapadi - Chungathara will adversely affect traveling public as that route portion is completely avoided where in the existing time schedule there were 14 trips to Koottapadi. The grant of variation as such will adversely affect the traveling public of Koottapadi area. Hence the applicant is directed to modify the application avoiding the curtailment proposed between Chungathara-Koottapadi with a revised time schedule. Hence adjourned for the compliance of above.

Item No 181

Heard. The variation includes increase of trips on the notified route. The KSRTC raised objection against the increasing of trip on the notified route. As per clause 19 of notification no 42/2009/TRAN dated. 14/07/2009 the right to increase number of trips on the notified route reserved to KSRTC. The grant of this variation is against the above notification and hence rejected.

Item No 182

Secretary is allowed to seek concurrence from Sister RTA Palakkad.

Item No 183

Heard both the applicants and transfer of permit allowed.

Item No 184

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

Item No 185

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

Item No 186

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to GO (P) No. 42/2009/TRAN dated 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court.

Item No 187

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 188

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 189

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

Item No 190

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

Item No 191

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

Item No 192

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 193

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 194

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 195

Perused the judgment of Hon'ble STAT in MVARP 180/2010 dated 09/05/2011. In view of the judgment variation concurrence granted.

Item No 196

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

Item No 197

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 198

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 199

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 200

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 201

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 202

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 203

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

Item No 204

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 205

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 206

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 207

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 208

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 209

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 210

Granted concurrence for renewal of regular permit without prejudice to the right of the primary authority to decide the class of service and subject to 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 211

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

Additional Item No 1

Heard. Perused the judgment in WP© 14649/2010 of Hon'ble High Court. Considered the proposal of rearrangement of traffic system in Perintalmanna town. The Bus Operators association representatives raised vehement objections regarding the existing and proposed traffic systems. But the detailed hearing in this authority meeting has revealed that the existing traffic arrangement has resulted in reducing the traffic congestions and indefinite traffic blocks. In turn the existing arrangement in traffic system has caused some difficulties to the bus operators. Hence this authority thinks it fair and proper to call for a report of a committee regarding the feasibility of rearrangements that can be made to reduce the difficulties now prevailing to all concerned. The Secretary is directed to constitute a committee for the above purpose and intimate the same to the Chairman of the Committee and members. The Chairperson, Perintalmanna Municipality as the Chairman of the Committee and the following officers will be the members.

1. Revenue Divisional Officer, Perintalmanna.
2. Secretary, Perintalmanna Municipality
3. DYSP of Police, Perintalmanna
4. Joint Regional Transport Officer, Perintalmanna.
5. Executive Engineer, PWD Roads Division
6. Executive Engineer, National Highway Division

The committee so constituted shall examine the existing traffic system and report the feasibility of re arrangements so as to reduce the inconveniences to the Bus operators and public. The report is expected immediately so as to comply the order of Hon'ble High Court in WP© 14649/2010.

Additional Item No 2

Heard the complainant and permit holders of S/C KL 10/R 7108 and KL 10/R 1959. On perusal of records and report of field officer it is found that the permit holders have violated permit condition by operating service violating the permitted route, even after instructions from the authorised officers not to violate the permitted route. The check report (4 numbers) are also prepared by field officers against the above violations. The complaint is also seen lodged against the route violation by the permit holders of S/C KL 10/R 7108 and KL 10/R 1959. Regarding Stage Carriages the route permitted to operate is very important as far as MV Act is concerned and the operation of service violating route will adversely affect the traveling public. Considering the gravity of offence this authority thinks it fair and proper to impose a penalty of Rs.10,000/- to each of the above stage carriages on each check report with aim to curb the practice of route violation.

Additional Item No 3

Heard all the five permit holders alleged as involved in lightning near MB Hospital on Malappuram – Kozhikkode road. It is understood that they and their crew have obstructed the operation of enroute stage carriage services through the above spot and caused traffic block.. It required the SI of Police Malappuram to come and remove the traffic block so created by the offenders and the S I of Police has reportedly lodged a case No.406/2011

U/S 283. While considering the action to be taken against the above stage carriage operators and crew some of the operators among the alleged offenders have stated that the crew and operator of a stage carriage among them is actually responsible for above incidents and they have actually created the situation. Hence this authority feels that the above explanation needs to be examined in detail. Hence the Secretary is directed to issue notice to all the five stage carriage operators and crew in charge on that day to hear their version and to trace out the offenders with in a month time. Hence decision on the action to be taken against the Stage Carriages KL 10/AE 1080, KL 10/N 9678, KL 10/S 9014, KL 10/M 9574 and KL 10/K 9285 is adjourned.

Additional Item No 4

Heard. Perused the judgment in WP© 14211/2011 of Hon'ble High Court. As per Rule 174(2)(c) of KMV Rule 1989 the incoming vehicle for replacement on a permit shall not be older than the existing vehicle. The contention of the Counsel of applicant is that this replacement can be granted as per the provision in rule 174(3) of KMV Rule 1989 considering as if it was for a fresh permit. But this provision is applicable only in case of material difference as laid down in rule 174(2)(b) of KMV Rule 1989. In case of violation of Rule 174(2)(c) of KMV Rules 1989 the above mentioned provision is not applicable as this condition imposed by rule regarding the oldness of the incoming vehicle is not coming under the material respect of the vehicle as laid down in rule 174(2)(b) of KMV Rule 1989.

The Rule 174(2)(c) of KMV Rule 1989 is not violative on the ground contented by the Counsel of the applicant, hence the replacement application is rejected.

Additional Item No 5

Heard. The request of grantee of fresh regular permit vide item no.3 of RTA, Malappuram held on 22/12/2010 is allowed subject to the condition that the vehicle shall be identical and shall not be of less seating capacity, GVW than that of the offered vehicle, wheel base shall not be less than 306cms and number of wheels shall not be less than six.

Additional Item No 6

Heard. This permit was granted on 22/12/2010 and the decision was communicated on 24/01/2011 for the production of current records of the vehicle. But the grantee did not produce the current records of any vehicle with in the period prescribed under rule 159(2) of KMV Rules and there is no good and sufficient reasons for the delay. Hence the grant of the regular permit is revoked.

Additional Item No 7

Heard.

1. Perused the judgment of Hon'ble High Court in WP© 2800/2011 and the order of Hon'ble STAT in MVARP 136/2011 dated 20/04/2011.

2. In obedience to the above judgment of Hon'ble High Court and order of STAT. Conversion of service and renewal of permit is considered. The conversion of service as Limited Stop Fast Passenger is granted subject to renewal of permit, compliance of rule 260(a) of KMV Rule and remittance of fee for variation.
3. Secretary is directed to remind sister RTAs for the renewal concurrence and issue Temporary Permit U/S 87(1)(d) of MV Act 1988 till the renewal application is disposed.

Sd-/

Sri. P V Varghese

Deputy Transport Commissioner, CZ-I, Thrissur &
Member RTA Malappuram

Sd-/

Sri. K. Sethuraman , I.P.S.

Superintendent of Police Malappuram & Member RTA Malappuram

Sd-/

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

District Collector & Chairman RTA Malappuram