

**DECISION OF THE REGIONAL TRANSPORT  
AUTHORITY, THRISSUR  
HELD ON 05.04.2017**

**(Venue: Conference Hall 1, District Collectorate, Thrissur)**

**Present:**

1. Shri.Dr. A. Kowsigan IAS

District Collector Trissur

(Chairman-RTA Trissur)

2. Shri.NVijayakumar I P S

District Police Chief Trissur

(Member-RTA Trissur)

3. Shri. Shaji Joseph

Deputy Transport Commissioner,

Central Zone 1

(Member-RTA Trissur)

**Item No.1:-** Heard. Regular permit **granted** subject to settlement of timings and production of a suitable vehicle in compliance with the G.O(P)No.67/2011 dated: 02-08-2011 within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

**Item No.2:** Heard. This is an application for grant of fresh permit for a suitable vehicle to operate on the route Vadanappilly-Kururpara-Thrissur. Enquiry officer reported that the proposed route is an intra district with 48.8 km route length. The route overlaps a distance of 2 km from West Fort to Sakthan Stand and 1.7 kms from Lulu junction to Puranattukara. The total overlapping distance is 3.7 km, which exceeds 5% of total route length and the permissible limit as per G.O (P) 42/2009/Tran dated: 14-07-2009. The proposal of starting the trip from Vadanappilly in wee hours i.e. at 3.15 A.M, which has no

ground reality and is not public friendly. Hence the application cannot be considered and is **rejected**.

**Item No.3:-A.** Perused

**B.** Perused

**C.** Heard. In view of the judgement of Hon'ble STAT in MVAA 30/16 dated: 18-02-2017, this authority has reconsidered the application for grant of regular permit on the route Kanjani-Tripayar-Pulambuzhakadavu-Thrissur(via)Vadanappilly,Tripayar, Thalikulam, Muttichoor, Pulambuzhakkadavu, Padiyam, Nayarangadi, Kokkamukku,Chemmapilly,Peringottukkara, Puthenpeedika, Chazhor North Alu, Alappad,Pullu,Manakkody,Olari and West Fort. Hon'ble STAT in its judgement in Agenda B, has observed that taking into ground realities, RTA can insist to increase the trips, if it is really required between Tripayar to Kanjani(via) Vadanappilly. In view of the findings in the judgement, this authority observed that this portion is covered by sufficient stage carriage service. Hence RTA feels that there is no need of additional trips in the above sector.

In obedience to the judgements of Hon'ble High Court and Hon'ble STAT in Agenda A and B cited respectively, regular permit **granted** subject to settlement of timings, production of Fitness Certificate from concerned road authority for the virgin portion and a suitable vehicle in compliance with the G.O (P) No.67/2011 dated: 02-08-2011 within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

**Item No.4:-** A.Perused.

B. Heard. In view of judgement of Hon'ble STAT in MVAA No.32/2016, reconsidered the application for regular permit on the route Azhikkode-Tripayar-Thrissur (via) Puthanpally, Kara, Pokkalai, Bajanamadom, Vanjipura, Chamakkala, Palapetti Beach, Kazhimbram, Kothakulam beach, Tripayar, Chemmappilly, Peringottukkara Nalumkoodiya Vazhi, Chazhoor, Alappad Pullu, Manakody as ordinary service. Hon'ble STAT has viewed that extending the route length is also a legal method by which objectionable overlapping can be avoided. Hence the application for regular permit on the above said route is **granted** subject to

(1) Providing one additional trip from Tripayar to Azhikkode between the present proposed trips, since the said portion passes through interior and thickly populated coastal areas.

(2) Production of fitness certificate from the concerned road authority for the virgin portion from Manakodi Kappela junction to Pullu.

(3) Settlement of timings and production of suitable vehicle in compliance with the G.O(P)No.67/2011 dated: 02-08-2011 within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

**Item No.5:-** Heard. Regular permit **granted** to Stage Carriage KL 8/AD 2840, subject to settlement of timings and production of suitable vehicle in compliance with the G.O(P)No.67/2011 dated: 02-08-2011 within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

**Item No.6:-** Heard. Reconsidered the modified application in obedience to the judgement of Hon'ble STAT in MVAA No.210/2014

dated: 21-01-2015, for regular permit on the route Triprayar-Blangad beach-Thrissur-Manakody (via) Thalikulam, Vadanappilly, Kanjani,Olari, West Fort, Chettuva, Moonamkallu, Anchandady, Nedumuri, Manakody as ordinary service. The modification was made from the earlier revoked grant, route by extension to Manakodi (via) Nedumuri from the Thrissur-Vadanappilly route, the distance is 3.5 kms. The enquiry officer revealed that only one trip has been suggested by the applicant at 12 Noon from Thrissur. Actually that proposal does not serve the travelling need of that portion. It is also an act in the guise of escaping the violation of permissible limit of overlapping in the wake of STAT order. It is also reported that 68 stage carriages are now conducting service, with a time gap of 2 minutes between the portion, Vadanappilly-Thrissur and Vadanappilly-Thrissur road is too narrow and highly congested, proposed road widening is inevitable for further introduction of new stage carriage permits. Considering the above facts, the modified application for regular permit is **rejected**.

**Item No.7:-** Heard. Regular permit is **granted** subject to settlement of timings and subject to production of suitable vehicle in compliance with the G.O(P)No.67/2011 dated: 02-08-2011 within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

**Item No.8:-**Heard. Regular permit is **granted** to M.D. KSRTC on the route Mala- Thrissur (via) Kodungallur, Irinjalakkuda.

**Item No.9:-** Heard. Secretary RTA is permitted to obtain a detailed enquiry report along with route sketch from RTA Palakkad or concurrence from concerned sister RTA. Hence **adjourned**

**Item No.10:-**Heard. Renewal of permit **granted** as Limited Stop Ordinary Service subject to

- (1) Provisions in clause (4) and 5 (b)of G.O(P)No.8/2017/Trans dated: 23-03-2017 of Transport (B) Department
- (2) Production of NOC from Finance Company if applicable
- (3) Clearance of Government dues, if any

**Item No.11:-**Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.12:-** Heard. This is an application for renewal of permit on the route Thrissur-Kodungallur-Paravur-Vypin-Ernakulam as Limited Stop Ordinary Service. An objection has been received from the Financier of the said vehicle who is Thrissur District Motor Transport Owners Co-operative Society, against the renewal of permit. Secretary RTA is directed to verify the genuineness of the same and place before the ensuring RTA. Hence**adjourned**.

**Item No.13:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.14:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No. 15:-** Heard. Secretary RTA is directed to obtain report regarding the objectionable overlapping and exact distance in the sister RTA. Hence **adjourned**.

**Item No.16:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.17:-** Heard. This is an application for renewal of permit in respect of vehicle KL 46/K 4546 operating on the route Guruvayur-Ernakulam(via) Triprayar, Kodungallur,Paravur, Edayar, Pathalam, FACT, Manjummel, Edappilly. An objection has been received from SBT, Ollukkara branch and also informed that the vehicle bearing the permit KL 46/K 4546 was seized by the Financier, who is the objector in this case. The tax for the period 01-04-2016 to 31-07-2016 is in arrears and the vehicle is under 'G form' from 01-08-2016.

Due to the above disqualification the application for renewal of the permit is **rejected**.

**Item No.18:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.19:-** Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.20:-** Heard. The matter was considered by this authority in its meeting held on 26-09-2016, vide item No.23 and decision has been taken. As per section 89 of MV Act, any person aggrieved by the refusal of renewal of permit, may within the prescribed time and in the prescribed manner, appeal to the State Transport Appellate Tribunal. It is seen that MVARP 36/2017 has been filed by the applicant before Hon'ble STAT against the decision of this authority. Final decision can be taken by this authority only after the outcome of appeal filed before the Hon'ble STAT. Hence the request by the applicant is **rejected**.

**Item No.21:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.22:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.23:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.24:-** Heard. This is an application for the grant of variation of permit and renewal of permit in respect of Stage Carriage KL 8/BF 6423 on the route Wadakkanchery-Kozhikkode(via), Thrissur, Kuttippuram, Valanchery, without touching Kottakkal Bus Stand. The regular permit expired on 11-10-2016.

- (1) Secretary RTA is directed to obtain renewal concurrence from all sister RTAs
- (2) Secretary is instructed that an application for variation shall be sought from the permit holder in view of the clause (4) of Notification in G.O (P) 8/2017/Trans dated: 23-03-2017. Hence **adjourned**.

**Item No.25:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.26:-** (1) Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

(2) Heard. The matter was considered by this authority in its meeting held on 26-09-2016 vide item No.180. Transfer of permit was **granted** subject to renewal of permit. Transfer of permit shall be endorsed subject to decision in (1) of this item.

**Item No.27:-** Heard. This is an application for renewal of regular permit issued after the Notification G.O (P)No.42/2009/Trans dated; 14-07-2009, in respect of Stage Carriage KL 8/BD 7638 on the route Mulayam-Kottilapparambu-Thrissur valid up to 29-03-2017. (1) An objection has been received from State Bank of Travancore, Ollukkara branch, saying that the terms of loan sanctioned, to the permit holder is highly irregular and they have initiated revenue recovery proceedings and also objected the renewal of permit. Secretary RTA will enquire the matter and report.

(2) As this permit was issued after the above Notification i.e. On 30-03-2012, renewal can be considered according to the Clause (4) and 5 (c) of the Notification in G.O(P)No.8/2017/Trans dated: 23-03-2017. Secretary RTA shall obtain a detailed report with specific mention regarding overlapping of notified routes, if any.

(3) If there is any objectionable overlapping noticed, Secretary RTA shall initiate to take steps to revoke the permit, after issuing notice to the permit holder. Hence **adjourned**.

**Item No.28:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**ItemNo. 29:-** Heard. Secretary RTA is permitted to obtain a detailed enquiry report along with route sketch from RTA Palakkad or concurrence from concerned sister RTA. Hence adjourned.

**Item No.30:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.31:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.32:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.33:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O (P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No. 34.** Heard. Considered the application for renewal of regular permit in respect of Stage Carriage KL 2/W 9999, considered an

application for replacement of vehicle in respect of stage carriage KL 2/W 9999 with KL 7/BH 164 and perused the judgment of Hon'ble High Court in WP(C) No.14218/2010 dated: 18/02/2011 for renewal of regular permit in respect of Stage Carriage KL 02/W 9999.

The application of renewal for the period 12-07-2011 to 11-07-2016 was considered by this authority on 08/08/2011 vide item no 57 and decided as follows

“Heard the objectors and applicant. The WP(C) No.14218/2010 and WP(C) No.7517/2011 filed by the objectors are seen pending. As per the inspection report of the Joint RTO Chalakkudy it is found that the repair works of the vehicle are going on. Further the counsel for the applicant has intimated that the certificate of fitness of the vehicle is renewed. The Secretary RTA has granted Temporary Permit U/S 87(1)d on 21.07.2011. But if it is issued and whether the vehicle is operating on the existing route is to be ascertained. For ascertaining the disposal of the above writ petitions and to ascertain the present condition of the vehicle as contented by the counsel of the applicant, the decision on the action to be taken U/R 152 of KMV Rule 1989 is **adjourned.**”

As directed the RTA in the earlier decision, the Secretary RTA failed to initiate action under Rule 152 of KMV Rules. Now the permit holder intimated that the Certificate of Fitness has been renewed and the vehicle is ready for operation on the route. Considering the above matters the application for renewal of permit submitted by the applicant on 27-06-2011 is to be considered and granted the same on the condition that timing objection in any slot in time schedule will be settled before issuing the renewal of permit.

Further application for renewal of permit was submitted only on 17-11-2016 which was belated by 4 months and 5 days. This is an inordinate delay on the part of permit holder. No specific reasons were submitted by the permit holder for the condoning the delay in filing the application for renewal. Hence the application for renewal for the period from 12-07-2016 for 5 years could not be considered and hereby **rejected**.

(2) Considered the application for replacement of vehicle in respect of SC KL 2/W 9999 with SC KL 7/BH 164. Replacement allowed subject to (a) Renewal of permit (b) Clearance of dues to Government, if any (c) Production of NOC from HP company if applicable.

**Item No.35:-1, 2 and 3.** Heard. In view of the report submitted by Secretary, Regional Transport Authority, the tax arrears for the period 01-01-2014 to 30-06-2014 has been paid previously before the decision of RTA Thrissur held on 26-09-2016. But the remittance details were not furnished in the previous agenda. Now legal impediments to allow the replacement applied on 23-06-2014 for the newly offered vehicle KL 48/F 3219 instead of KL 8/V 243. In view of the grant of replacement of the renewal application is liable to be considered. Hence application for renewal of regular permit is allowed subject to clause (4) and 5 (b) of G.O(P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

In view of the above decisions, the regular permit is renewable. Hence temporary permit u/s 87(1)(d) is granted.

**Item No.36:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O(P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.37:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O(P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No.38:-** Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O(P)No.8/2017/Tran dated: 23-03-2017 of Transport (B) Department and

- (1) Production of NOC from Finance Company if applicable
- (2) Clearance of Government dues, if any

**Item No. 39:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 40:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 41:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 42:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make

arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 43:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 44:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop

service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 45:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 46:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 47:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 48:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 49:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as

specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 50:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length

is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

**Item No: 51:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 52:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop

service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 53:-** Heard. This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No: 54:-** Heard. (1) This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned**

- (2) Transfer of Permit **allowed** subject to
  - (1) Production of NOC from Finance Company if applicable
  - (2)Clearing of Government dues, if any

**Item No.55:-** Heard. (1) Considered and (2) Perused the judgment in WP(C)No. 33069 of 2015 of Hon'ble High Court of Kerala dated: 04-11-2015.

This is an application for variation of regular permit. In view of the G.O(P) No. 8/2017/Tran dated 23-03-2017, it has to be ascertained, whether the permit is a 'saved permit' as specified in clause 4 of the above G.O. Clause 4 of the G O reads thus:-

.....The permits granted in the private sector as on 14<sup>th</sup> July 2009, will be permitted to operate as ordinary or ordinary limited stop service. The maximum distance prescribed in the rule 2 (oa) in the KMV Rules 1989, shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstances.....

In order to comply the above notification, a detailed report regarding the overlapping on the existing route and total route length is highly necessary.Hence Secretary RTA is directed to make arrangements to submit a detailed report as mentioned above. Hence **adjourned.**

**Item No.56:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2)Clearing of Government dues, if any

**Item No.57:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2)Clearing of Government dues, if any

**Item No.58:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2)Clearing of Government dues, if any

**Item No.59:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2)Clearingof Government dues, if any

**Item No.60:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.61:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.62:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.63:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.64:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.65:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.66:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.67:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.68:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.69:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.70:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.71:-** Heard. Secretary Regional Transport Authority has reported that the permit holder, Sri.Mahindran expired on 14-11-2015 and on 28-11-2015 the legal heir who is the applicant submitted the death intimation and requested to allow to conduct service till the ownership is transferred to her name .Smt.Bindu Mahindran, legal heir of the deceased applied for transfer of permit only on 18.03.2017 . The applicant submitted the genuine reason for the delay of submitting transfer of permit(death). Hence transfer of permit(death) is **allowed** subject to clearing of Government dues, if any.

**Item No.72:-** Absent. Adjourned.

**Item No. 73:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 74:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 75:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 76:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 77:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 78:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 79:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 80:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 81:-** Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 82:-** Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 83:-A:-** Transfer of permit (death) **allowed** subject to

1. Renewal of permit

2. clearing of Government dues, if any

**B:-** Renewal of permit granted subject to the production of NOC from HP company, if required and clearing of Government dues if any.

**Item No: 84:-** Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 85:-** Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 86:-** Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No: 87:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 88:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 89:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 90:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.91:-** Heard. Application for transfer of permit in respect of Stage Carriage KL 8/Y 5575 from the name of Smt. Uma to the name of Smt. Shafna Mol was enquired through Joint Regional Transport Officer, Kodungallur and reported that the application is genuine. But at the timing of hearing before RTA, the permit holder raised an objection against the transfer, stating that she is withdrawing from the agreement between her and the proposed transferee and also requested that further proceedings should not be initiated. Secretary RTA is directed to conduct an enquiry regarding the matter and place before the next RTA with report. **Adjourned**

**Item No. 92:-** Heard. Secretary Regional Transport Authority has reported that the permit holder, Sri. Mahindran expired on 14-11-

2015 and on 28-11-2015 the legal heir submitted the death intimation and requested to allow conducting service till the ownership is transferred to her name. Smt. Bindu Mahindran, legal heir of the deceased applied for transfer of permit only on 18.03.2017. The applicant submitted the genuine reason for the delay of submitting transfer of permit(death). Hence transfer of permit (death) is **allowed** subject to clearing of Government dues, if any.

**Item No.93:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 94:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No.95:-** Heard. The application for transfer of permit was considered by this authority in its meeting held on 26-09-2016 and RTA rejected the same since the permit holder submitted a request for withdrawing his joint application as he does not intend to transfer the vehicle. But now he has submitted a request stating that their dispute has been settled and to reconsider the application rejected earlier.

As per section 89 of MV Act, this authority is not in a position to review a decision already taken in its own. Hence the Secretary Regional Transport Authority is directed to call for a fresh application for transfer with required fees and submit before RTA with enquiry report.

**Item No: 96:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 97:-**

Transfer of permit (death) **allowed** subject to renewal of permit and clearing of government dues if any

**Item No: 98:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 99:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 100:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 101:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.102:-** Decision already taken in item No.97.

**Item No: 103:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 104:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 105:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 106:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 107:-** Heard. Transfer of Permit **allowed** subject to  
(1) Production of NOC from Finance Company if applicable  
(2) Clearing of Government dues, if any

**Item No: 108:-** Absent. **Adjourned.**

**Item No 109:- 1,2 and 3.** Heard. Perused the judgement in WP(C)  
No.21361/2016 dated: 30-06-2016.

This application for replacement is objected by Sri. T. K. Mansoor, who had filed the O.S. No.136/2016 before the Hon'ble Sub Court II, Thrissur. The objector had earlier produced an injection order of the Hon'ble Sub Court in I.A.No.2060/2016 restraining the

replacement of the vehicle in view of the pendency of O.S.No.136/2016. The objector filed O.S.No.136/2016, claiming his right to possess the permit number 8/340/1999 valid up to 25-11-2019, contenting that he had made a contract to get the above permit in his favour and passed over certain premium amount with a person, Sri. Vijeesh who is said to be the agreement holder of the same permit transferred from the permit holder Sri. James. The objector Sri.Mansoor had explained about the terms and conditions of the said contract between himself and Sri. Vijeesh to get the permit covered by the vehicle KL 8/V 3811 operating on the route Triprayar – Thrissur – Guruvayur via Ayyanthole. The replacement now applied is on the above said permit, the legal conformity of possession of which is still under challenge before the Hon'bleSub Court II, Thrissur and according to the contention in O.S before the Hon'bleSub Court II, Thrissur, the contract for transfer of permit was entered between the parties earlier on 1-12-2015 and it is found from the same O.S No.136/2016, that certain amount had been transferred between them and also contented that the permit holder, Sri. James is also a beneficiary of the consideration that passed on the basis of the said contract. According to further contents in O.S.No.136/2016, the objector had claimed that according to the said contract, the permit number 8/340/99 ought to be transferred to his name and the replacement of the vehicle shall also be done according to the contract between Sri.Mansoor and Sri.Vijeesh, who is the first agreement holder of the transfer of permit in question.

The matter being so, this replacement application can only be considered looking into the contents in O.S.No.136/2016 and also taking into account of other cases connected with this stage carriage covered by this permit. In a case No.CMP7328/2016, connected with

the stage carriage seeking replacement, the Hon'ble JFCM Court Thrissur in its judgement dated: 29-08-2016 allowed the interim custody of the vehicle to Sri. James, the registered owner on certain conditions including the execution of bond for Rs. 10,00,000/- with solvent securities, in which the Hon'ble Judge had pointed about the pendency of complaint in O.S.No.136/2016 of Hon'ble Sub Court, II, Thrissur. There was yet another condition in the judgement in CMP7823/2016 that the permit holder Sri. James shall file an undertaking or affidavit that the vehicle will not be alienated, disposed off or change its appearance so as to make it unidentifiable till the disposal of the case. Therefore by allowing the replacement of said vehicle, it will become a permitless vehicle and may become the violation of above condition imposed by Hon'ble Court.

In view of the above court proceedings and pendency of O.S.No.136/2016, it is presumed that the conformity of legal possession and effectiveness of the permit in the name of the applicant is to be decided by the Hon'bleSub Court II, Thrissur. In the event of confirming the permit transfer contract by the Court in the name of the objector from the date of contract alleged as entered between the parties mentioned in the O.S. No. 136/2016, the permit on which the replacement is applied will become as ineffective in the name of Sri. James. In result the permit on which the replacement applied cannot be confirmed as valid in the name of Sri. James at present, even though it's recordal validity is upto 25-11-2019. On hearing the parties, this authority feels that it is not fair and proper to allow a replacement on this permit which is under the contract of transfer of permit entered into by the permit holder with other parties.

For the above reasons, this authority is not in a position to grant replacement on this permit and hence decides to **reject** the application.

**Item No: 110:-** Heard. This is an application for allowing more time for replacement of vehicle KL 08 T 3884, which attained 15 years of age on 14-03-2017. It is a condition that a valid permit should have a ready vehicle to should have ready vehicle to conduct service without interrupting the regular service to cater the need of travelling public. The condition that the vehicle should be replaced on or before 14-03-2017 was a condition endorsed at the time of renewal of permit. Hence the permit holder was aware that the vehicle KL 08 T 3884 has to be replaced on or before 14-03-2017. But he failed to comply the same. Hence his request for maximum time to produce a ready vehicle is **rejected**

**Item No: 111:-**

Ratified

**Item No: 112:-**

Ratified

**Item No: 113:-**The application for replacement has been **allowed** by Secretary RTA in order to comply the Judgment of Hon'ble High Court.

**Item No: 114:-** **A & B:-** Heard. This application for transfer of permit and replacement of vehicle are considered jointly. The transfer of permit application of this permit was considered earlier on 26-09-2016 and was adjourned in view of an objection raised by the counsel of Sri. T. K. Mansoor, objector, contenting that a case in O.S.No.136/2016 of Sub Court, Thrissur is pending and there is

connection with the transfer of application of this permit. Now above applications came up for hearing and the same objector raised additional allegations regarding the transfer of ownership of the vehicle offered for replacement. The allegation by its nature is relating to the genuineness of the application for transfer of ownership of the vehicle, previously owned by Sri. Vijeesh, who is the second applicant in the transfer of permit application placed along with the replacement application. Hence the genuineness of the present objection need to be verified in detail so as to ascertain whether the vehicle offered for replacement is changed ownership by producing fake records, since the transferee and the previous owner of the vehicle offered for replacement is one and the same. The objection raised need to be verified and the genuineness shall be ascertained before granting the transfer of permit and replacement of vehicle.

In the above circumstances, the Secretary is directed to conduct a detailed enquiry about the allegations and take action if any required and also report the matter in the next RTA. For the compliance of above matter, the decision on the applications are **adjourned**.

**Item No: 115** :- Ratified

**Item No: 116:-** Heard. This is an application for allowing more time for replacement of vehicle KL 07 AG 8092, which attained 15 years of age on 14-03-2017. It is a condition that a valid permit should have a ready vehicle to conduct service without interrupting the regular service to cater the need of travelling public. The condition that the vehicle should be replaced on or before 14-03-2017 was a condition

endorsed at the time of renewal of permit. Hence the permit holder was aware that the vehicle KL 07 AG 8092 has to be replaced on or before 14-03-2017. But he failed to comply the same. Hence his request for maximum time to produce a ready vehicle is **rejected**

**Item No: 117:-** In view of judgment of Hon'ble High Court, decision has been already taken [Decision: Replacement allowed] by circulation of file U/r 130 of KMV rules.

**Item No.118:-** Heard. Reconsidered. The application was considered by this authority on 26-09-2016 vide item No.29 and decided "as the primary permit in respect of stage carriage KL 48/D 3002 was issued after the Notification G.O(P)No.42/2009/Trans dated: 14-07-2009. Hence the application for renewal of permit is adjourned and Secretary Regional Transport Authority is permitted to issue temporary permit". Now Secretary, Regional Transport Authority has clarified that the primary permit was issued before the said Notification and the route is a inter district one.

- (1)A detailed enquiry report is needed with specific mention regarding the total route length and route length covered in the jurisdiction of sister RTA. Hence Secretary Regional Transport Authority shall obtain a report as mentioned above and is **allowed** to renew the permit according to the G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.119:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.120:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.121:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.122:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.123:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.124:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.125:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.126:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.127:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.128:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.129:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.130:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.131:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.132:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.133:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.134:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.135:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.136:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.137:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.138:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.139:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.140:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.141:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.142:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.143:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.144:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.145:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.146:-**Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.147:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.148:-** Concurrence for fresh permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.149:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.150:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.151:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.152:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.153:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.154:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.155:-** Concurrence for renewal of permit **granted** subject to the provisions of G.O(P)No.8/2017/Trans dated: 23-03-2017.

**Item No.156:-** Heard. Perused the minutes of meeting of District Road Safety Committee held on 05-03-2015, in which, the following decisions were seen taken by that authority such as,

All Limited Stop Ordinary Service buses including those coming from Irinjalakuda, Mala, Kodungallur are allowed to enter Swaraj round subject to the following conditions,

- (1) Speed Limit should be below 40 km/hour

- (2) Stage Carriages should operate through the first two tracks only  
(3) Entry shall be restricted, if accidents involving stage carriages occur in Swaraj round.

Above decisions are **approved** by this authority for compliance.

**Item No.157:-** Perused the petition. The enquiry report of the field officer reveals that this is a request from Convener, Oxbow Foundation Trust, in which it is requested to extend all trips of stage carriages that terminate trips at Kadukutty to Ambazhakkad and Palayamparambu and the distance covered is 3 kms.

Sub Rule (1) of Rule 179 of KMV Rules 1989 says that every application for variation of conditions of permit made under sub section 3 of section 80 of MV Act or other wise, shall be in form PVA with prescribed fees as per Rule 180 of KMV Rules.

Secretary Regional Transport Authority is directed to consider if any application is submitted in future in this regard, subject to the above mentioned sub rule.

**Item No.158:-** Heard. This is a request placed by Secretary, RTA for taking steps to initiate departmental action as per Clause 25 (C) of Circular 17/2011 against the permit holder of HGV KL 8/AY 2107. Perused the matter. The permit holder did not have any supervisory control over the crew and he also failed to maintain the vehicle in confirmation with the provision of Act and Rules made there under. The reports connecting with the accidents reveals that the supervisory lapse also had contributed for the accidents, besides the rash and negligent driving of the crew. It is found that the vehicle was not having a valid Fitness Certificate and Insurance Certificate at the time

of accidents. It shows that the permit holder allowed operating the vehicle without ensuring its proper fitness and mechanical condition, which is a primary requirement for a transport vehicle for conducting service especially with overload. By allowing an uninsured vehicle to operate on public road, the permit holder violated the statutory requirement to be complied by him and thereby victim's dependents loses the necessary chance of getting compensation rising out of this accident. It is a grave offence to operate goods carriage with overload even by a vehicle having good mechanical condition and valid Certificate of Fitness. Overloading reduces brake efficiency and steering control. The condition of the vehicle along with the rash and negligent driving of the driver caused this accident, which resulted in the loss of a valuable human life. From the above facts, it is clear that the permit holder had failed to comply the provisions of Rule 153 of KMV Rules 1989.

As per section 86 of the MV Act, the permit granted to a vehicle can be cancelled or suspended on the breach of any condition specified in Section 84 or any condition contained in the permit. In this case the permit has violated relevant conditions in Section 84(a)(d) and Rule 153 of KMV Rules. It is also found that the vehicle has violated the time restriction specified in G.O(P)No.13/2014/Tran dated: 17-02-2014 for operation of tipper lorries, as the accident is reported as happened at 9 A.M. In the above circumstances in order to maintain Road Safety by observing the enforcement of MV Act and Rules, it is necessary to take action on the permit by suspending the permit for a minimum period of 6 months. The Secretary is directed to implement the decision by following the prescribed procedure.

**Item No.159:-** Heard. It is alleged that the offender (permit holder of GV KL 47/E 9218, KL 47/E 9222 and KL 47/ E 9214) was not given with charge memo detailing the concerned sections and rules against the offence committed. It is also alleged that no specific direction was issued to the permit holder specifying the date and time of hearing.

Hence Joint Regional Transport Officer, Kodungallur is directed to comply the procedure laid down in Circular 17/2011, by issuing hearing notice and also proceedings thereafter. Joint Regional Transport Officer Kodungallur is authorized to take action on the check reports in this item u/s 86(5)of MV Act, after complying with the above mentioned matters.

**Item No.160:-** Heard. It is alleged that the offender (permit holder of GV KL 47/C 2111, KL 47/C 2666 and KL 47/ C 7445) was not given with charge memo detailing the concerned sections and rules against the offence committed. It is also alleged that no specific direction was issued to the permit holder specifying the date and time of hearing.

Hence Joint Regional Transport Officer, Kodungallur is directed to comply the procedure laid down in Circular 17/2011, by issuing hearing notice and also proceedings thereafter. Joint Regional Transport Officer Kodungallur is authorized to take action on the check reports in this item u/s 86(5)of MV Act, after complying with the above mentioned matters.

**Item No.161:-** A. Perused

B. Heard. Considered the application for fresh permit at Kodungallur Municipal limit with parking place at Vadakkenada,

Kodungallur. A necessity report has been submitted by Assistant Motor Vehicles Inspector, Kodungallur, stating that the autorickshaw parking place in question is situated behind the junction of Kodungallur Bhagavathi temple, Vadakkenada. The proposed parking place is situated at Guruvayur road surrounded by Civil Station, Kodungallur, Government Girls High School, Court complex, Kodungallur. Devi's temple and newly constructed venue for cultural programmes. Approximately 45 autorickshaws are being parked here. Hardly, 12 autorickshaws can be parked at the proposed parking place, which is situated between south end of the Kodungallur Girls High School compound wall and Kodungallur Bhagavathi temple North gate. The distance between these two places is 39.8 metres and a zebra crossing having width 3metres is passing between the lane of autorickshaws parking in the stand, in which 12 autorickshaws only can be parked for smooth operation of the stand, though 33 autorickshaws are in excess beyond the capacity in the space available now. Hence it is clear that no additional space is available to accommodate new autorickshaw permits.

Moreover the autorickshaw stand lane fully encroached the path way of tarred road. Due to this stand there is no foot path for free flow of pedestrians. Adjacent of the autorickshaw stand is the retaining wall of the newly constructed stage. There is no space for foot path between autorickshaw stand and the wall of the stage compound. Pedestrian's free passing is very difficult due to the lack of foot path between the parking space and the wall, resulting in pedestrians are forced to walk through the road.

That apart, main gates of Kodungallur Civil Station Court complex and Kodungallur Devi temple is opening to this autorickshaw

stand. All the buses passing through Kodungallur town and devotees coming to the temple in their vehicles create heavy traffic problem in the Vadakkenada junction, which is a 3 way junction.

In the above circumstances, the enhancement of number of autorickshaws is not feasible and it would increase the threat to the safety of road users. Hence the application is devoid of merits and hence **rejected**.

**Item No.162:-** 1. Perused the judgement

2. Considered the application for variation of parking place in respect of KL 47/F 1485 autorickshaw from Kunjainy society to Government Hospital Kodungallur. The report of Assistant Motor Vehicles Inspector, Kodungallur says that the autorickshaw parking place in question is situated in front of KodungallurTaluk Government Hospital. Approximately 40 autorickshaws are being parked in the said stand. The both ends of the stand are main junctions, namely Kodungallur Bhagavathy Temple Vadakkenada junction and Kodungallur Government Hospital Junction at Eastend and Westend respectively. The road between two junctions has approximately 100 meters length in which 74.9 meters are covered by the existing autorickshaw stand. An autorickshaw needs minimum parking place of 2.9 meters. So total parking place needed presently is 116 metres, which exceeds the available parking place, at the existing stand. Hence it is clear that no additional space is available to accommodate new autorickshaw permits.

Moreover the autorickshaw stand lane fully encroached the path way of the Hospital road, where the stand is situated. Due to this stand there is no foot path for free flow of pedestrians. Adjacent of the autorickshaw stand is the property of Cochin Devaswom Board and their shops lining in entire stretch. Pedestrians free passing is very difficult due to the parking of the autorickshaws and they are forced to walk through the road.

That apart, main gate of Kodungallur Government Hospital is opening to this autorickshaw stand. Ambulance and vehicles carrying the patients are to be entered to the hospital through this gate. Moreover a new hospital building under construction to be soon inaugurated with higher facilities. Hence allowing more new autorickshaw permits could create heavy traffic congestion on the entire stretch of Hospital Road. In the above circumstances, this authority is not in a position to grant new/variation of permits to autorickshaws with parking place at Kodungallur Government Hospital Road. Hence the application is devoid of merits and hence **rejected.**

**Item No.163:-** Considered the petition submitted by Secretary Auto Thozhilali Association, Kodungallur for revoking the permits granted to Autorickshaws KL 47/B 2733 and KL 47/F 3087 with parking place at Kodungallur Government Hospital stand.

The applications for fresh permit in respect of Autorickshaw KL 47/ F 3087 and variation of permit in respect of Autorickshaw KL 47/B 2733 have been considered and issued by Joint Regional

Transport Officer, Kodungallur in obedience to the judgements of Hon'ble High Court in WP(C)24530/16 and WP(C)27109/16 respectively. This authority feels reluctant to interfere into the grant and issue of permit already done by Joint RTO Kodungallur in compliance to the judgements of Hon'ble High Court. The petitioners may approach the appellate authority regarding the objection if any in the issue of permit.

**Item No.164:-** Heard. Considered the objection raised by Sri. T.K. Mansoor, Sri. K.M. Manoj and Adv. Suresh Babu. P. K. regarding the transfer of ownership considered and issued by RTO Thrissur on 09-01-2017.

The allegation by its nature is relating to the genuineness of the application for transfer of ownership of the vehicle previously owned by the transferor, Sri. Vijish. In this case the objectors have raised an allegation regarding the presence of transferee Sri. SarathSankar, while making the application before registering authority, Thrissur. In this regard, this authority feels that a fair and proper enquiry is necessary. Secretary RTA is directed to conduct a thorough enquiry about the allegations and take action if any required.

**Item No.165 A:-** Perused the request of Secretary Regional Transport Authority to take a decision on revoking the regular permit in respect of stage carriage KL 8/ U 4147 on the route Chalakduy-Kodungallur valid up to 12-08-2017. On perusal, it is understood that the vehicle, was continuously off road from 10-04-2015. Notice has been issued under Rule 152 of KMV Rule 1981 and under section 86 of MV Act to the permit holder. He submitted in his reply that the stage carriage

was dismantled on 03-07-2015. Section 86 provides the procedure for cancellation and suspension of permit. Section 86(1)(c), which is relevant for in this case, is quoted below.

“86- cancellation and suspension of permits-

(1) The Transport Authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit-

(c) If the holder of the permit ceases to own the vehicle covered by the permit

Rules have been framed under the Motor Vehicle Rules. Rule 159 provides for entry of registration mark compulsory at the time of issue of permit and during the currency of permit. In Rule 152 of KMV Rules, it is stated that it shall be a condition of that every transport vehicle that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of permit and the permit is liable to be suspended/cancelled after due notice to the permit holder if the permit has not been used for the purpose for which the permit was granted.

In this case ,the permit holder scrapped his vehicle without any prior intimation to the permit issuing authority and it is felt that he is not a genuine operator.

Considering the above facts, the permit is liable to be cancelled, u/s 86 of MV Act 1988. Hence this authority decides to **revoke** the permit No. 08/200223/2002, issued on the route Chalakudy-Kodungallur.

**B:-** Considering the decision in (A) the application for replacement is not maintainable. Hence **rejected**.

**C:-** Considering the decision in (A) the application for temporary permit to operate in place of Stage Carriage KL 8/U 4147 is infructuous and stands **rejected**.

**Item No. 166:-** Heard .The S/C KL 08 Q 7164 is covered by a regular permit on the route Kodungallur-Ottappalam Via Vellangallur-Irinjalakuda- Oorakam- Palakkal- Thrissur- Patturiakkal- Athani-Wadakkanchery-Vazhakode- Chelakkara- Kayampuvam-Onnmakallu-Paremelpady, Mayannur as LSOS. Regular Permit of the Stage Carriage expired on 17/04/2015. Application for renewal of permit filed in this office ( 41310/2015 dated 28/02/2015), which was not considered due to tax arrears. Tax is paid upto 31/03/2015 only. There is a tax arrear of Rs.3,54,733/- up to 31/03/2017. Demand Notice was sent to the Registered Owner and he was called for a Personal Hearing on 18/01/2017.He failed to turn up for hearing.

As per Rule 152 of KMV Rules, it shall be a condition of the permit of every Transport Vehicle, that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, if the vehicle has not been used for the purpose for which the permit was granted. Notice U/r 152 KMV Rules was issued to the permit holder dated 21-01-2017 , but no reply is seen received. Moreover, S/C KL 08 Q 7164 has attained 15 years of age wef 25/07/2015. Considering the above matter it is understood that the permit holder has no intention to

operate the service on the route granted to him. If he is a bonafide operator, he should have taken steps to replace the vehicle before 25-07-2015 and cleared the huge arrears, due to the Government. On 18-01-2017, a hearing notice was sent to him for personal hearing, but he did not turn up for hearing.

In view of these disqualifications against the permit holder, this authority decides to **revoke** the regular permit No 8/4000/2000.

**Item No: 167:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 168:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 169:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No: 170:-** Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Item No.171:-** A and B, Heard. Renewal of regular permit **granted**, in obedience to the clause (4) and 5 (b) of G.O(P)No.8/2017/Tran dated: 23-03-2017 of Transport (b) Department and subject to

- (1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Item No.172:-**Ratified

**Item No.173:-**Nil

**Item No.174:**Will be intimated in advance.

**Supplementary Item No.1:-** Heard. In Thrissur district, it is a major issue that fare tickets are not being issued to passengers travelling in stage carriages after collecting fare by authorized conductors as against the condition of stage carriage permit. Lot of complaints from travelling public and also strict instructions have been received from Vigilance authorities against this issue. Instructions were given to the permit holders and bus operators on several occasions and it was decided to implement strictly w.e.f 15-02-2017. Nothing fruitful in this regard is happened due to the lack of co-operation from the part of bus operators. Hence this authority gives a strict direction to bus operators to issue fare tickets to the passengers and Secretary Regional Transport Authority is directed to take stringent action against the permit holders and conductors, who fails to issue fare tickets. Action taken by Secretary RTA to be reported in the next RTA meeting.

**Supplementary Item No.2:-**

Heard. Transfer of Permit **allowed** subject to

- (1) Production of NOC from Finance Company if applicable
- (2) Clearing of Government dues, if any

**Supplementary Item No.3:-**

Heard. Transfer of Permit **allowed** subject to

(1) Production of NOC from Finance Company if applicable

(2) Clearing of Government dues, if any

**Sd/-**

**Shaji Joseph,**

Deputy Transport Commissioner  
Chief Thrissur

Thrissur & Member-RTA Thrissur  
Thrissur.

**Sd/-**

**N Vijayakumar IPS,**

District Police

& Member-RTA

**Sd/-**

**Dr.A.Kowsigan IAS,**

District Collector Thrissur &

Chairman-RTA-Thrissur.