DECISION OF THE REGIONAL TRANSPORT AUTHORITY, THRISSUR

HELD ON 21/01/2020

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

Present:

1. Shri. Shanavas IAS
   District Collector Thrissur
   (Chairman-RTA Thrissur)

2. Shri. Vijayakumaran. I P S
   District Police Chief (Rural)
   (Member-RTA Thrissur)

3. Shri. Suresh.M
   Deputy Transport Commissioner,
   Central Zone 1
   (Member-RTA Thrissur)
**Item No.1:** Heard. The enquiry Officer has reported that the route length is 14.1 Kms and out this 12.3 Kms is well served by stage carriages having an average time gap of 2 to 4 minutes only. Considering the present traffic congestion in town and connected roads, it is not feasible to find suitable time schedule avoiding clash with other services. The introduction of new service will make unhealthy competition and dangerous situation for other road users. It is also reported that even though 1.8 Kms of the proposed route passes through an ill served area, there is no specific need for an additional stage carriage service to this sector. Hence the application for new permit is **rejected.**

**Item No.2:** The applicant has not appeared. Several objections has been arised stating that the overlapping is 5.6 Kms instead of 1.3 Kms, as reported by the field Officer. It is also submitted that the routes are not specific, since there were more than one route, connecting the intermediate points. Secretary, RTA is directed to conduct a detailed enquiry
regarding the objections raised by the operators. Hence adjourned.

**Item No.3:-**
A) Perused the Judgement.
B) Heard the counsel of applicant and others including KSRTC. Perused the specific report submitted by the Secretary, RTA. Route length is 17.5 kms and it is reported that there is no objectionable overlapping, since the proposed route only intersects the notified route Thrissur-Triprayar-Thrissur and Ernakulam-Thrissur at Thiruvullakavu. Hence regular permit granted subject to settlement of timings.

**Item No.4:-** A) & B) Perused the Judgement of Hon’ble High Court in 41156/2018 dated 01/10/2019 and order of Hon’ble STAT in MVARP No.37/2018 dated 21/04/2018. Verified the specific report submitted by the Secretary, RTA as directed by this authority earlier. It is reported that the proposed route length is 44 kms and permissible overlapping is 2.2 kms(2200 meters). Overlapping distance reported as 2.060 kms (2060 meters) which falls within the permissible limit. Hence in obedience to the order of Hon’ble STAT, regular permit granted subject to settlement of timings.

**Item No.5:-** Heard. The existing operators including KSRTC objected the grant of permit stating that the route overlaps the notified route for a distance of 4 kms exceeding the permissible limit. It is also alleged that fitness Certificate of roads through the certain areas of proposed route is not obtained. Secretary,
RTA is directed to verify the objection and report. Hence adjourned

**Item No.6:-** Heard. Renewal of permit granted subject to
1) Production of NOC from financier if any,
2) Clearance of dues to Government if any

**Item No.7:-** Heard. Renewal of permit granted subject to
1) Production of NOC from financier if any,
2) Clearance of dues to Government if any

**Item No.8:-**
1) Perused
2) Heard. Perused the Judgement of Hon’ble High Court. The permit holder has submitted declaration under Section 51(7) of MV Act. The financier has also submitted their objection against the renewal of permit by stating that they had not issued No objection Certificate, since the permit holder defaulted the repayment of their hire-purchase dues. Hence the application for renewal of permit is considered and rejected.

**Item No.9:-** Absent, Hence Adjourned

**Item No.10:-**
1) Heard. Delay condoned. Renewal of permit granted subject to
1. Production of NOC from financier, if any.
2. Clearance of Government dues.
3. Remittance of compounding fee for Rs.10000/-

2) Delay condoned and one month time for the date of receipt of this decision is **allowed** for production of current records to endorse transfer of permit and replacement granted by RTA held on 04/06/2018, failing which sanction shall be revoked.

**Item No.11:** Heard. Renewal of permit **granted** subject to

1) Production of NOC from financier if any,

2) Clearance of all Government dues

**Item No.12:**

1) Perused

2) Heard. Perused the order of Hon’ble STAT in MVAA 245/2018 and MVARP 33/2019. Verified the connected file. The permit holder possessed the vehicle KL 08 AF 6364 under lease agreement and obtained renewal upto 05/08/2016, granted by this authority in obedience to the Judgment of Hon’ble High Court in WP(C)15720/16 dated 26/04/2016. There was no proper lease agreement from 22/04/2015 to 18/03/2018. This authority had considered this application for renewal of permit in the meeting held on 04/06/2018 and rejected the renewal, since there was no valid vehicle to operate during the period from 22/04/2017 to 18/03/2018.

Reconsidered the application for renewal of permit in view of order of Hon’ble S.T.A.T. KL 08 AF 6364 possessed by the permit holder under lease agreement seen transferred from his name and the vehicle does not exist in the permit issued to the applicant.
At present, the applicant has not possessed any vehicle in his name in favour of the permit issued to him and he is not conducting service. Notice under Section 86(c) was issued to the permit holder and failure to use the vehicle under Rule 152 of KMV Rule. Even at the time of consideration of this application, the permit holder does not possess a ready vehicle. Renewal of permit cannot be considered without a vehicle in the permit issued. Section 83 of MV Act, Rule 172 of KMV Rules envisages the necessity of the vehicle. This was already upheld by Hon’ble High Court, while disposing WP(C) 24250/2015 dated 07/09/2015.

Under the above circumstance, application for renewal is rejected.

**Item No.13:-**

Heard. In obedience to the Judgement of Hon’ble High Court in WP(C) 831/2020 dated 14/01/2020, grant of renewal issued by the Secretary, RTA is ratified.

**Item No.14:-**

A) Perused

B) Heard. Regular permit in respect of KL 08 E 3542 expired on 17/09/2010. The vehicle defaulted service from 01/10/2007 onwards. On 04/07/2008, notice was issued for failure in conducting service Under Rule 152 of KMV Rules. Application for transfer of permit and non operation of service was considered by this authority on 07/07/2008 and a period of one
month time was allowed to resume service. He failed to produce current records of any vehicle to conduct service, but filed an application on 22/05/2009 to condone the delay. He also filed an application for replacement of permit with SC KL 13 E 477 on 16/12/2008. These applications were considered by this authority on 09/06/2009 and allowed the request. The permit holder failed to comply the order of RTA. After a time gap of more than 3 years, on 24/01/2013, the applicant requested to allow maximum time for one month. Even though the renewal of permit application was submitted on 31/08/2010, the same was not considered, due to tax arrears and the previous granted applications for transfer of permit and replacement were pending. No application for renewal of permit was submitted after 31/08/2010 for subsequent renewal. The permit holder again requested for replacement with stage carriage KL 09 L 9996 and submitted renewal of permit on 04/03/2017. RTA held on 05/04/2017 adjourned the application, since the applicant was absent. Thereafter this applicant produced another vehicle KL 05 Q 2379, on lease agreement for replacing the permit. But the registered owner of stage carriage KL 05 Q 2379, withdrew the application from the lease agreement. The permit holder appeared on 16/05/2019 and submitted that he will produce a ready vehicle within 3 months and submitted records of KL 07 AS 3443.

Perused the Judgment of Hon’ble High Court and connected file. On verification of records, it is revealed that this authority had given sufficient time on several occasions from 07/08/2008 onwards. But the permit holder failed to avail the
opportunity and defaulted the service from 01/10/2007 onwards. The primary vehicle KL 08 E 3542 was in tax arrears.

Applications for subsequent renewal of permit was submitted only on 04/03/2017 which was not in time. The permit holder failed to comply the Rule 152 of KMV Rule and decisions of this authority allowing sufficient time to avail the transfer of permit, renewal and replacement of vehicle. It is presumed that the permit holder has no merits to consider his renewal application under Section 81(2) (3), (4(a) of MV Act. Hence rejected.
C) Heard. The vehicle KL 08 E 3542 has no valid permit. Hence replacement is rejected.

**Item No. 15:- A & B)** Perused the order of Hon’ble STAT in MVAA No.88/2019 and verified the connected file. Renewal of permit application was submitted on 12/05/2016 without producing NOC from financier under Section 51(6) of MV Act or any such document prescribed under Section 51(8) of MV Act. Subsequently the financier M/S Thrissur District Motor Transport owners Co-operative Society, Thrissur had submitted their objection against the renewal of permit, since the permit holder defaulted the repayment of hire purchase dues, vide their letters dated 18/10/2016 and 07/08/2019.

Hence renewal of permit rejected.

**Item No. 16:-**
A) Heard. WP(C)15701/2019 filed by Sri.K.H.Ummer is pending for disposal by the Hon’ble High Court. Hence **Adjourned.**

**Item No.17:-**

Heard. Renewal of permit **granted** subject to
1) Production of NOC from financier U/S 51(6) of MV Act.
2) Clearance of all Government dues

**Item No.18:-**

A) Perused the order of Hon’ble STAT in MVAA No.212/2019.
B) Even though application for renewal of permit submitted in time, the permit holder has not produced the current records of the vehicle for availing the renewal of permit. Notice under Rule 152 of KMV Rules and Section 86 was issued to the permit holder for the failure in conducting service. The vehicle was reported under off road by filing Form G for tax exemption and the currency of tax has been cleared up to 31/10/2019. Under these circumstances, renewal of permit **granted** to stage carriage KL 08 AC 5522 subject to
   1) production of NOC from Financier
   2) Clearance of Government dues if any.
C) Heard. The holder of stage carriage KL 08 AC 5522, Secretary, Thrissur District SC/ST Motor Transport co-operative Society, Ayyanthole has applied for replacement of this vehicle with Stage carriage KL 11/W 5722 owned by Sri.Dinil Dinesh,
taken on lease under lease agreement for a period of 11 months. Permit holder has not recorded the lease agreement in the Certificate of Registration as required by Section 51(1) of MV Act. As a matter of fact, no person other than the owner of a motor vehicle is entitled to a permit under Section 66 of MV Act. **The provisions of Section 66 (1) of Act 1988 is different from that of Sec.42(1) of Act 1939, with regard to the ownership of the vehicle, for the grant of permit.** Having regard to the facts and circumstances, application for replacement applied for deserves to be rejected.

**Item No.19**: Heard. Variation involves extension from Kodungallur-Chappara – Pantheerampala of which 1.5 Kms lies in the notified scheme Thrissur-Triprayar, Vide Sl. No. of G.O.(P) No. 8/2017 dated 03/2017, violating clause 19 of the scheme. Clause 19 provides that “The State Transport undertaking reserve the right to operate additional service or increase the number of trips on each route in the Annexure.”

Hence **Rejected**.

**Item No.20**: Heard. On verification of records the details of variation are not found specific. The necessity under Rule 145(6) and Section 80(3) of MV Act not reported by the Secretary, RTA. As per the proposed time schedule almost all the timings, especially during the evening hours has been rescheduled by avoiding the trips after 6.43 PM Hence Secretary, RTA is directed to report whether there is any such necessity for variation as mentioned in Sec. 80(3) and Rule 145(6) of KMV Rules. **Adjourned.**
**Item No.21:-**
Heard. Variation involves additional trips from Vatanappilly to Guruvayur and Guruvaur to Kodungallur, violating Clauses 19 of G.O.(P) No.8/2017 dated 23/03/2017, wherein “The State Transport undertaking reserve the right to operate additional service or increase the number of trips on each route in the Annexure.” The proposed variation comes in the notified route in serial No.24 and 25 of the notification. Hence **rejected**.

**Item No.22:-**
Heard. Variation involves additional trips from Chavakkad to Guruvayur and back, violating clause of 19 of G.O.(P) No.8/2017 dated 23/03/2017, wherein “The State Transport undertaking reserve the right to operate additional service or increase the number of trips on each route in the Annexure.” The proposed variation comes in the notified route in serial No.24 and 25 of the notification. Hence **rejected**.

**Item No.23:-** Heard. Variation **granted** subject to settlement of timings.

**Item No.24:-** Heard. Transfer of permit **granted** subject to

1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No. 25:-** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues

**Item No.26:** Heard. Transfer of permit (death) granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.27:** Heard. Transfer of permit granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.28:** Heard. Transfer of permit granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.29:** Heard. Transfer of permit (death) granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.30:** Heard. Transfer of permit granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.31:** Heard. Transfer of permit granted subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.32:-** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.33:-** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No. 34:-** Heard. Transfer of permit **granted** from the name of Rafeeq to Laiju subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues

**Item No.35:-** Heard. The enquiry officer has reported that the 2nd applicant is not financially sound to maintain the stage carriage service and is involved in several criminal cases registered in various police stations. Hence the application adjourned for specific remarks from Secretary, RTA.

**Item No.36:-** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.37:-** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.
**Item No.38:** Heard. Transfer of permit granted subject to  
1) Production of NOC from Financier  
2) Clearance of all Govt. dues.

**Item No. 39:** Absent. **Adjourned**

**Item No.40:** Heard. Transfer of permit granted subject to  
1) Production of NOC from Financier  
2) Clearance of all Govt. dues.

**Item No.41:** Heard. Transfer of permit granted subject to  
1) Production of NOC from Financier  
2) Clearance of all Govt. dues.

**Item No.42:** Heard. Maximum time of 30 days is allowed from the date of communication of this decision to produce the NOC from the financier, failing which sanction shall be revoked.

**Item No.43:** Heard. RTA in its meeting held on 4/06/2018 had granted application for transfer of permit from the name of Sri.Suresh.P.K. to Sri.Dili.K.R., Current records had not yet produced by the proposed transferee to avail the grant. Hence the grant is hereby revoked.

**Item No.44:** Heard. Transfer of permit granted subject to  
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.45:** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No.46:** Heard. The learned counsel, Adv.Jithesh Menon who appeared on behalf of Sri.Udayakumar, S/O Kalladaveettil Raman, Edathirinji, represented that CMA 59/2018 is pending before Principal Sub Court, Irinjalakuda against dispute involving the ownership of this vehicle. The case is said to be posted for hearing on 03/03/2020. Hence **adjourned**.

**Item No.47:** Absent. **Adjourned**

**Item No.48:** Heard. Transfer of permit **granted** subject to
1) Production of NOC from Financier
2) Clearance of all Govt. dues.

**Item No. 49:** Absent. **Adjourned**.

**Item No.50:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No.51:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any
**Item No. 52:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No. 53:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No. 54:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No. 55:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No. 56:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Item No. 57:** Heard. Maximum time for 30 days is **allowed** from the date of communication of this decision, failing which sanction shall be revoked.

**Item No. 58:** Heard. Transfer of Permit **allowed** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any
Item No. 59:- Heard. Transfer of Permit (death) allowed subject to

1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

Item No. 60:-

1) Perused the order of Hon’ble STAT in MV AA 213/2029.
2) Heard. Replacement allowed subject to the clearance of government dues of both vehicles, if any.

Item No. 61:

1) Perused
2) Heard. Reconsidered the applications for variation so as to change the parking place from Shobha City to Ayyanthole in respect of KL 08 AV 9696 and from Poochatty to Nellikunnu Centre in respect of KL 08 BN 1176. It is reported that as of now about 4940 autorickshaws are plying within the city limits. In addition to these, autorickshaws plying in the newly added panchayath areas to the corporation area are also now coming into the corporation limits. About 10,000 autorickshaws are now plying in the corporation limits. Almost all these autorickshaws are mainly choosing the city limits for their operation resulting acute traffic congestion in the city beyond the control of Enforcement Agencies. The Police Authorities had also reported that there is no suitable parking space for all the autorickshaws which had been granted with permits to operate within City limit and further grant of permits with parking places within City limits will aggrevate the traffic congestion. They recommended not to grant further permits within city limits.
Hon’ble Court in the decision reported in Rajesh VS Secretary, RTA and another reported in 2014(3) KLT 341 held that while considering the applications for contract carriage permits, the authority should take into account the need for public transport, number of roads and conditions of the said roads, the traffic congestion caused by indiscriminate parking and so on and so forth. This authority had taken a decision in its meeting held on 05/09/2019, not to grant further permits with parking place in city limits.

In view of the above circumstances, this authority feels that there is no need to allow variation of permits as applied by the permit holders of autorickshaws KL 08 AV 9696 and KL 08 BN 1176 and the applications are rejected.

Item No.62:-
1) Perused.
2) Considered the application. This is an application for fresh permit in respect of autorickshaw KL 37 2157 with parking place at Chandapura. Kodungallur Muncipal Authorities have submitted that no further autorickshaw permit shall be granted within Muncipal limits due to lack of parking space and traffic congestions. Hon’ble Court in the decision reported in Rajesh VS Secretary, RTA and another reported in 2014(3) KLT 341 held that while considering the applications for contract carriage permits, the authority should take into account the need for public transport, number of roads and conditions of the said roads, the traffic congestion caused by indiscriminate parking and so on and so forth. In
view of the above circumstances, the application deserves no merits. Moreover the applicant was absent. Hence **rejected.**

**Item No.63:-**
1) Agenda perused
2) Heard. Considered the application for variation so as to change the parking place from Mudicode to Kalathode in respect of KL 08 AW 4454, from Poochatty to Chelakkottukara in respect of KL 08 AK 6855, from Shobha City to Ayyanthole Civil Station in respect of KL 08 AZ 4326 and fresh permit application with parking place near Thiruvambadi Temple in respect of KL 08 BS 6118.

It is reported that as of now about 4940 autorickshaws are plying within the city limits. In addition to these, autorickshaws plying in the newly added panchayath areas to the corporation area are also now coming into the corporation limits. About 10,000 autorickshaws are now plying in the corporation limits. Almost all these autorickshaws are mainly choosing the city limits for their operation resulting acute traffic congestion in the city beyond the control of Enforcement Agencies. The Police Authorities had also reported that there is no suitable parking space for all the autorickshaws which had been granted with permits to operate within City limit and further grant of permits with parking places within City limits will aggravate the traffic congestion. They recommended not to grant further permits within city limits.
Hon’ble Court in the decision reported in Rajesh VS Secretary, RTA and another reported in 2014(3) KLT 341 held that while considering the applications for contract carriage permits, the authority should take into account the need for public transport, number of roads and conditions of the said roads, the traffic congestion caused by indiscriminate parking and so on and so forth. This authority had taken a decision in its meeting held on 05/09/2019, not to grant further permits with parking place in city limits.

In view of the above circumstances, this authority feels that there is no need to allow variation of permits as applied by the permit holders of autorickshaws KL 08 AW 4454, KL 08 AK 6855, KL 08 AZ 4326 and fresh permit application in respect of KL 08 BS 6118 and the applications are rejected

**Item No. 64:-**

1) Heard. Considered the application for variation so as to change the parking place from Shobha City to Thrissur Town in respect of KL 08 AW 6586. It is reported that as of now about 4940 autorickshaws are plying within the city limits. In addition to these, autorickshaws plying in the newly added panchayath areas to the corporation area are also now coming into the corporation limits. About 10,000 autorickshaws are now plying in the corporation limits. Almost all these autorickshaws are mainly choosing the city limits for their operation resulting acute traffic congestion in the city beyond the control of Enforcement Agencies. The Police Authorities had also reported that there is
no suitable parking space for all the autorickshaws which had been granted with permits to operate within City limit and further grant of permits with parking places within City limits will aggrevate the traffic congestion. They recommended not to grant further permits within city limits.

Hon’ble Court in the decision reported in Rajesh VS Secretary, RTA and another reported in 2014(3) KLT 341 held that while considering the applications for contract carriage permits, the authority should take into account the need for public transport, number of roads and conditions of the said roads, the traffic congestion caused by indiscriminate parking and so on and so forth. This authority had taken a decision in its meeting held on 05/09/2019, not to grant further permits with parking place in city limits.

In view of the above circumstances, this authority feels that there is no need to allow variation of permits as applied by the permit holders of autorickshaws KL 08 AW 6586 and the application is rejected

**Item No.65:-** Heard. Rule344 (1)(b) of Kerala Motor Vehicles Rules stipulates that:

“The Regional Transport Authority shall, in consultation with the concerned authorities of any Corporation, Municipality or Panchayat, the Executive Engineer and the Superintendent of Police of the District, determine the location of parking places
wherein motor vehicles in general or of specified description may stand either indefinitely or for a specified period of time.”

Hence Panancherry Grama Panchayath authorities shall determine the feasible locations which complies the relevant Acts, Rules and orders of Hon’ble High Courts, for the parking of Autorickshaws under their jurisdiction, in consultation with concerned authorities of Executive engineer, and Superintendent of Police and place before this authority for approval. Hence adjourned.

Item No.66:-

1) Perused.

2) Considered the application. This is an application for fresh permit in respect of autorickshaw KL 08 AK 7983 with parking place at M.I.T. hospital, Kodungallur. Kodungallur Muncipal Authorities have submitted that no further autorickshaw permit shall be granted within Muncipal limits due to lack of parking space and traffic congestions. Hon’ble Court in the decision reported in Rajesh VS Secretary, RTA and another reported in 2014(3) KLT 341 held that while considering the applications for contract carriage permits, the authority should take into account the need for public transport, number of roads and conditions of the said roads, the traffic congestion caused by indiscriminate parking and so on and so forth. In view of the above circumstances, the application deserves no merits. Hence rejected
Item No.67:-

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 G 5685, against the offence of overload detected by the field officers of Motor Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 G 5685 was checked 6 times as mentioned in the agenda and the main offence for 6 check reports was overloading. At the time of preparation of check report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgements had viewed that a time frame should be followed by the authorities to find...
finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

It is found by this authority that the offence of overloading is repeatedly done by the registered owner. The legal procedures has been initiated and completed by the Secretary RTA. This authority is of the opinion that stringent action is to be taken against the offenders for the offence of overloading due to the following reasons.

a) Overloading causes excessive wear and damage to roads, bridges and pavements
b) It significantly impair the drivers ability to brake and steer correctly, resulting in accidents.
c) Overloading causes undue strain on tyres with risk of bursting of tyres and loss of grip

The overloaded vehicles mostly carried baby metal, rock powder, M Sand, Mud sand which is available at the quarries located at internal and rural areas of the State. When conducting service more than the carrying capacity, the rural roads are damaged to a great extent. It is also pertinent to note that time restriction was imposed to these type of vehicles (tippers) by the State Government, due to the rash, negligent and over speeding of vehicles.

Hence the practise of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly
conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.

Hence this authority decides

1. To impose the suspension of permit for the period from 15/04/2020 to 14/11/2020, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension

2. To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

**Item No.68:-**

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 L 4818, against the offence of overload detected by the field officers of Motor Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 L 4818 was checked 3 times as mentioned in the agenda and the main offence for 3 check reports was overloading. At the time of preparation of check
report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgements had viewed that a time frame should be followed by the authorities to find finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

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Hence the practice of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.

Hence this authority decides

1) **To impose the suspension of permit for the period from 15/04/2020 to 14/07/2020, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension**
2) To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

Item No.69:-

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 N 8222, against the offence of overload detected by the field officers of Motor Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 N 8222 was checked 2 times as mentioned in the agenda and the main offence for 2 check reports was overloading. At the time of preparation of check report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the
competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgements had viewed that a time frame should be followed by the authorities to find finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

It is found by this authority that the offence of overloading is repeatedly done by the registered owner. The legal procedures has been initiated and completed by the Secretary RTA. This authority is of the opinion that stringent action is to be taken against the offenders for the offence of overloading due to the following reasons.

   g) Overloading causes excessive wear and damage to roads, bridges and pavements

   h) It significantly impair the drivers ability to brake and steer correctly, resulting in accidents.

   i) Overloading causes undue strain on tyres with risk of bursting of tyres and loss of grip

The overloaded vehicles mostly carried baby metal, rock powder, M Sand, Mud sand which is available at the quarries located at internal and rural areas of the State. When conducting service more than the carrying capacity, the rural roads are damaged to a great extent. It is also pertinent to note
that time restriction was imposed to these type of vehicles (tippers) by the State Government, due to the rash, negligent and over speeding of vehicles.

Hence the practice of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.

Hence this authority decides

1) *To impose the suspension* of permit for the period from 15/04/2020 to 14/07/2020, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension

2) To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

**Item No.70:-**

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 G 9417, against the offence of overload detected by the field officers of Motor
Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 G 9417 was checked 4 times as mentioned in the agenda and the main offence for 4 check reports was overloading. At the time of preparation of check report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgments had viewed that a time frame should be followed by the authorities to find finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was
purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

It is found by this authority that the offence of overloading is repeatedly done by the registered owner. The legal procedures has been initiated and completed by the Secretary RTA. This authority is of the opinion that stringent action is to be taken against the offenders for the offence of overloading due to the following reasons.

j) Overloading causes excessive wear and damage to roads, bridges and pavements
k) It significantly impair the drivers ability to brake and steer correctly, resulting in accidents.
l) Overloading causes undue strain on tyres with risk of bursting of tyres and loss of grip

The overloaded vehicles mostly carried baby metal, rock powder, M Sand, Mud sand which is available at the quarries located at internal and rural areas of the State. When conducting service more than the carrying capacity, the rural roads are damaged to a great extent. It is also pertinent to note that time restriction was imposed to these type of vehicles (tippers) by the State Government, due to the rash, negligent and over speeding of vehicles.

Hence the practise of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.
Hence this authority decides

1) To impose the suspension of permit for the period from 15/04/2020 to 14/09/2020, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension.

2) To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

Item No. 71:-

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 H 2904, against the offence of overload detected by the field officers of Motor Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 H 2904 was checked 5 times as mentioned in the agenda and the main offence for 5 check reports was overloading. At the time of preparation of check report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment
procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgments had viewed that a time frame should be followed by the authorities to find finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

It is found by this authority that the offence of overloading is repeatedly done by the registered owner. The legal procedures has been initiated and completed by the Secretary RTA. This authority is of the opinion that stringent action is to be taken against the offenders for the offence of overloading due to the following reasons.

m) Overloading causes excessive wear and damage to roads, bridges and pavements
n) It significantly impair the drivers ability to brake and steer correctly, resulting in accidents.

o) Overloading causes undue strain on tyres with risk of bursting of tyres and loss of grip

The overloaded vehicles mostly carried baby metal, rock powder, M Sand, Mud sand which is available at the quarries located at internal and rural areas of the State. When conducting service more than the carrying capacity, the rural roads are damaged to a great extent. It is also pertinent to note that time restriction was imposed to these type of vehicles (tippers) by the State Government, due to the rash, negligent and over speeding of vehicles.

Hence the practice of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.

Hence this authority decides

1) *To impose the suspension* of permit for the period from 15/04/2020 to 14/11/2020, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension.

2) *To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of*
Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

Item No. 72:-

Heard. The matter relates to initiation of action against the permit issued to the goods vehicle KL 45 F 639, against the offence of overload detected by the field officers of Motor Vehicles department. Perused the file and considered the arguments submitted on behalf of the registered owner/permit holder.

The vehicle KL 45 F 639 was checked 10 times as mentioned in the agenda and the main offence for 10 check reports was overloading. At the time of preparation of check report, a copy of the check report has been accepted by the driver on behalf of registered owner. Weighment of the load was done at the time of preparation of check report. The weighment procedure was done in the presence of the driver of the vehicle, who accepted the check report.

The main argument of the registered owner/permit holder is that the weigh bridge, where the weighment was done is not approved by the Motor vehicle department. In the State, there is no weigh bridge having approval from Motor Vehicles Department, since the Legal Metrology Department is the competent authority to issue approval for functioning of Weigh Bridge all over the State. The other contentions raised by the
permit holder are flimsy in nature and intended to prolong the legal procedure to be initiated against him.

Hon’ble High Court in many of its Judgments had viewed that a time frame should be followed by the authorities to find finality in all types check reports. Secretary RTA has intimated that procedures for disposing the check reports could not be completed within the time frame, since the offender was purposefully been reluctant in disposing the check reports by submitting vague representations so as to extend the procedure.

It is found by this authority that the offence of overloading is repeatedly done by the registered owner. The legal procedures has been initiated and completed by the Secretary RTA. This authority is of the opinion that stringent action is to be taken against the offenders for the offence of overloading due to the following reasons.

p) Overloading causes excessive wear and damage to roads, bridges and pavements

q) It significantly impair the drivers ability to brake and steer correctly, resulting in accidents.

r) Overloading causes undue strain on tyres with risk of bursting of tyres and loss of grip

The overloaded vehicles mostly carried baby metal, rock powder, M Sand, Mud sand which is available at the quarries located at internal and rural areas of the State. When conducting service more than the carrying capacity, the rural roads are damaged to a great extent. It is also pertinent to note that time restriction was imposed to these type of vehicles
(tippers) by the State Government, due to the rash, negligent and over speeding of vehicles.

Hence the practise of overload has to be curbed and the strict enforcement of existing provisions of Motor Vehicles Act and Rules are the only way to control this. It is clear from the check reports prepared, that the registered owner is repeatedly conducting service more than the permissible limit of loading. Moreover he is not willing to compound for the offence committed by him.

Hence this authority decides

1) To impose the suspension of permit for the period from 15/04/2020 to 14/04/2021, against the offences of overloading. Registered owner shall surrender the permit and report the place of garage to the Registering Authority, before the commencement of period of suspension. The registering authority shall verify the service of vehicle during the period of suspension.

2) To give an opportunity for compounding the offence, according to the section 113 (3) and Section 194 of Motor Vehicles Act within 15 days from the date of receipt of communication of this order, before implementing decision (1)

Item No.73:-  Heard. Renewal of permit granted subject to

1) Production of NOC from financier if any,
2) Clearance of all Government dues
Item No. 74:- Considered the representation submitted by Sri. Paul Thomas. The suggestion put forward is suitable for free flow of traffic and safety of the pedestrians. Hence Traffic Police Authorities shall verify this proposal and do necessary action so as to install appropriate sign boards in consultation with the concerned (PWD/ Corporation) road authority. Traffic authorities shall submit before this authority with necessary proposal, if any regarding this suggestion.

Hence Secretary, RTA shall communicate the decision to Asst. Commissioner of Police(Traffic) for information and necessary action.

Item No.75:- Heard. Secretary, RTA shall take necessary action against the violation of Autorickshaws conducting parallel service as mentioned in the petition. Necessary instructions shall be given to the head of Offices of Sub R.T.Os and Enforcement Squads for **stringent action against parallel services.**

Item No.76:- Absent. Adjourned

Item No.77:- Heard. Countersignature granted

Item No. 78:- Heard Renewal granted subject to

1) Production of NOC from financier if any,
2) Clearance of all Government dues.

**Item No. 79:** Heard. **Allowed**

**Item No. 80:** Heard. The Secretary, Thrissur district Private Bus operators Association has requested to implement the running time of ordinary and limited stop ordinary services on the Sector Thrissur-Kodungallur as per the decision of meeting convened on 11/04/2008 and 19/06/2008 in compliance to the decision of this authority held on 15/02/2008.

STA vide D3/875/STA/2005 dated 08/11/2011 had directed to implement uniform running time to different classes of stage carriage on different type of roads. Later the same was modified by proposing the running time for Limited Stop Ordinary Services vide D3/2813/STA/2013 dated 21/04/2018. Hence the running time of existing services can be changed uniformly only according to the norms fixed by the STA. It has also directed to ascertain the type of roads before issuing the running time.

a) “Single lane roads shall mean roads having not less than 3.5 meters of carriage way

b) Double lane road shall mean road having not less than 7 meters of carriage way and the lanes are marked with central lane.

c) Four lane road shall mean road having not less than 14 meters of carriage way and the lanes are separated with road markings.
d) City/Town Roads shall mean the roads within the City/Municipal limits fixed by the Corporation/Municipality concerned.”

For considering this request, it to necessary to ascertain the type of road on the section Thrissur-Kodungallur. Hence Secretary, RTA is directed to verify by contacting the appropriate authority (NH/PWD/Municipality/Corporation/Panchayath Divisions)

The detailed report shall be placed before this authority by the Secretary, RTA.

B) The proposal for a Punching station at Karupadanna is not found feasible at present, considering the volume of traffic and lack of infrastructure.

**Item No.81:-** Heard. The proposal has already been considered and **rejected** by the Authority in its meeting held on 31/01/2019. Now this authority can not review the former decision and the request is **not considered**.

**Item No.82:-** Considered the matter and verified the relevant records.

This authority in its meeting held on 04/06/2012 and 05/09/2019 has mentioned that there was sufficient running time to operate the service upto Tana Centre for all the stage carries operating through this sector by considering the Tana centre as terminus. This does not mean that Tana Centre is a
terminus, since there is no sufficient parking space even to stop a single stage carriage more than a limited time. This proves that the running time was allotted to pass the Tana Centre and not to consider Tana Centre as a terminus. Only by this reason, the traffic system was arranged as per existing procedure for the last 30 years. All the stage carriages are following this procedure for the last these years. The permit and time schedule of the stage carriages including the applicant’s vehicle was issued by taking into consideration of their request and above fact. The applicant is also operating his vehicles as per the existing system for these years.

As per the timings, proposed by the permit holder, it is noticed that arrival and departure time are provided at Tana Centre as Terminus. As per the present traffic scenario, it is not possible to allot such a time schedule with halting time at Tana Centre. Hence the request is not found feasible and stands rejected.

**Item No.83:-**
1) Perused
2) Reconsidered the application. In compliance to the Judgement of Hon’ble STAT, enquiry was conducted. It is reported that the curtailment of route from Kunnamkulam to Mangad will adversely affect the passengers, including students and it violates Section 80(3) of MV Act and 145(6) of KMV Rules. There is no specific requirement for any variation, including deviation, under the existing Act and Rules. Hence **Rejected.**
Item No. 84:- Heard. Transfer of permit granted subjected to
   1) Production of NOC from financier if any,
   2) Clearance of all Government dues

Item No.85:- Heard. Transfer of permit granted subjected to
   1) Production of NOC from financier if any,
   2) Clearance of all Government dues

Item No.86:- Heard. Heard. Delay condoned. Renewal of permit granted subject to
   1) Production of NOC from financier if any,
   2) Clearance of all Government dues

Item No.87:- Heard. Regular permit was granted by this authority in the meeting held on 31/01/2019 vide item No.1. The decision was communicated on 22/03/2019. Request to allow maximum time was submitted only on 30/09/2019, after the completion of maximum limit admissible which can be granted by this authority. Hence the application to allow maximum time to produce the current records in rejected and the grant of the permit is hereby revoked.

Item No.88:- Ratified

Item No. 89:- Nil
**Item No.90**: Will be furnished later

**Supplementary Item No.1**: Heard Maximum time **allowed** for one month from the date of receipt of this decision to produce the current records, failing which sanction shall be revoked.

**Supplementary Item No.2**:
A) Perused the Judgement.
B) Heard. Variation involves only a rearrangement of trips without change in the number of trips and existing timings. Hence variation **granted** with the existing timings and proposed varied trip. Secretary RTA shall convene a conference, if necessary, to settle any objections arising on the re-arranged trip from Kodungallur at 7.46 PM to Vytila Hub.

**Supplementary Item No.3**:
1) Perused
2) Heard. In compliance to the order of Hon’ble STAT, variation **allowed** without change in the existing timings except in the case of 1st and last trip for which variation is allowed. Timings shall be settled for the varied trips.

**Supplementary Item No.4**: Heard. Renewal of permit **granted** subject to
1) Production of NOC from financier if applicable and
2) Clearance of Government dues if any

**Supplementary Item No. 5: -**

1) Perused
2) Heard. Variation **granted** subject to settlement of timings. Secretary, RTA is directed to issue the new fare stages along with the variation.

**Supplementary Item No. 6 : -** Heard. Maximum time **allowed** for one month from the date of receipt of this decision to produce the current records, failing which sanction shall be revoked.

**Supplementary Item No. 7**

1) Perused
2) Heard. In view of the order of Hon’ble STAT, Renewal of permit **granted** for the period from 31/07/2012 to 30/07/2017 and from 31/07/2017 to 30/07/2022 subject to
   1) Production of NOC from financier
   2) Clearance of Government dues,
   3) Payment of compounding fee for Rs.10000/- for the delay in submitting the application for renewal.

**Supplementary Item No. 8**

A) Perused.
B) Heard. In compliance to order of Hon’ble High Court in WP(C)35172/17, Variation **granted** subject to settlement of timings.

**Supplimentary Item No.9**

A) Perused.

B) Heard. Reconsidered the application for renewal of permit on the route Kunnamkulam – Thrissur in respect of stage carriage KL 08 K 2277. Regular permit expired on 08/10/2011 and renewal of permit granted by this authority held on 20/10/2012 and decision communicated on 12/12/2012. The applicant failed to produce the current records within the prescribed time. Another application for further renewal submitted on 30-01-2018, without any valid permit for this vehicle. Even though the applicant has submitted an application for replacement of vehicle with stage carriage KL 07 AM 2815 on 13/08/2012, he had not submitted the required current records of the incoming vehicle for considering the application. Hence it cannot be considered as a valid application.

The applicant has not availed the opportunity for renewing his permit, even though it was granted by this Authority earlier on 20/10/2012. From this it is evident that he does not intend to operate the service properly for the convenience of the public. Under these circumstances, reconsidered the applications for renewal and replacement and is **rejected**.
Supplementary Item No.10 :- Absent. Adjourned.

Supplementary Item No11 :-
1) Heard. Renewal of permit granted subject to
   1) Production of NOC from financier
   2) Clearance of Government dues,
2) Replacement allowed subject to compliance of Rule 174(3) of KMV Rules.
3) Renewal granted by this RTA. Hence there is no scope for temporary permit U/S 87(1) (d). Hence rejected

Supplementary Item No12 :- Heard the learned counsel for the petitioner and the counsel for the complainant association. The Learned counsel for the complainant alleged that the permit holder of SC KL 55 F 4242 is regularly conducting trip by violating the permit. Hence Secretary, RTA shall watch the service of the vehicle for any violation of permit condition and take necessary action. The permit holder is directed to conduct service according to the permit and time schedule allotted to him.

Supplementary Item No13 :-
(A) Heard. Delay condoned subject to remittance of Rs.10000/- as compounding fee. Renewal granted subject to
   1) Production of NOC from financier
2) Clearance of Government dues,

B) **Replacement allowed**, subject to Rule 174 of KMV Rules and roadworthiness of the incoming vehicle.

**Supplementary Item No14 :-** Heard. Delay condoned. Further time for one month from the date of receipt of this decision is **allowed** to produce the records.

**Supplementary Item No15 :-**

A) Heard. No application has not seen filed for transfer of permit as referred in Section 82(2) of MV Act. The transfer of permit can be considered only after getting proper application in prescribed manner. Hence Secretary, RTA is directed to get the proper application for the consideration.

B) Application for renewal of permit **adjourned**, since the permit has not been transferred from the deceased permit holder.

Shri. Suresh M
Deputy Transport Commissioner
Thrissur Central Zone I
(Member - RTA Thrissur)

Shri. Vijayakumaran. IPS
District Police Chief (Rural)
(Member-RTA Thrissur)
Shri. Shanavas. IAS
District Collector Thrissur
(Chairman-RTA Thrissur)