

## DECISION OF REGIONAL TRANSPORT AUTHORITY

**KOZHIKODE, DATED 27.10.2021**

**Present:** 1.Sri. Dr. NARASIMHUGARI T L REDDY IAS,  
District Collector and Chairman  
2.Sri Sri. Dr. SRINIVAS A IPS, Superintendent of Police ( Rural)  
3.Sri. R RAJEEV,  
Deputy Transport Commissioner, North Zone,  
Kozhikode

### ITEM NO 1

Heard. This is an application for regular permit on inter district route Cheruvadi-Edavannappara-Thamarassery as ordinary service. This application was considered by RTA Kozhikode in its meeting held on 20.11.2019 and adjourned for want of concurrence from RTA Malappuram. Concurrence now granted by RTA Malappuram.

Hence regular permit **granted**, subject to the settlement of timings and production of suitable vehicle 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 regular permit on inter district route Thamarassery-Mukkam-Areacode-Edvannappara as ordinary service. This application was considered by RTA Kozhikode in its meeting held on 10.07.2019 and adjourned for want of concurrence from RTA Malappuram. Concurrence now granted by RTA Malappuram.

Hence regular permit **granted**, subject to the settlement of timings and production of suitable vehicle within one month from the date of communication of the decision, failing which the grant of permit will be treated as revoked.

### ITEM NO 3

Heard. This is an application for fresh regular permit on inter district route Mavoor-Mukkom-Edavannappara-Cheruvadi-Kodiyathoor-Kachery-Pulparamb-Manassery-Nairkuzhi-MVR hospital-Pazhamparamb-Edasserikadave-Muringampurai-Vallathaippara as ordinary service. This application was considered by RTA Kozhikode in its meeting held on 10.07.2019 and adjourned for want of concurrence from RTA Malappuram. Concurrence now granted by RTA Malappuram.

Hence regular permit **granted**, subject to the settlement of timings and production of suitable vehicle 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

Heard. By the proposed variation, the evening trip at 6.33pm from Balusseri to Kurumpoyil is curtailed. The existing travelling facility is denied to the passengers on the route. The permit holder is directed to resubmit and furnish a set of timings, without curtailing the above trip to Kurumpoyil at evening hours. **Adjourned.**

### ITEM NO 5

Heard. This is an application for variation in respect of S/C

KL 11 Y 1943 on the route Puthiyottil kadav Cheekilode-Kozhikode MCH to extend from Parambath to Chirakuzhi via Pavayil Cheerppu by curtailing Parambath to Puthiyottil Kadavu and trip curtailment from Parambath to Cheekilode and Kozhikode to MCH. On verification, it is found that the report of Asst. Executive Engineer, Harbour Engineer Department on the proposed curtailment Parambath to Puthiyottil Kadavu is that the road is unfit for heavy and medium vehicle service. The

vehicle KL 11Y1943 is a medium vehicle, which has been operating in this route since 2006. The enquiry officer has also reported that Parambath to Puthiyottil Kadavu road has deteriorated and unfit for safe stage carriage operation. The report is silent on re-construction of the above portion and the travelling facility of public on the proposed curtailment portion. Hence Secretary RTA is directed to conduct a detailed enquiry and submit a detailed report and place before the next RTA. Hence **Adjourned**.

#### ITEM NO 6

Heard. Perused the Judgement of Hon'ble High Court of Kerala in WP(c) 10416/2021 dated 11.05.2021. As per the report of enquiry officer, the proposed extension from Mathottam to Chakkumkadavu via Payyanakkal is not specified as to whether this portion fall in city service. So, this Authority could not take a decision in this matter. Hence Secretary RTA is directed to submit a specific report including the time clash in the city limit if any in the above matter. Hence **Adjourned**, with direction to comply the above decision and place before next RTA.

#### ITEM NO 7

Heard. Reconsidered the modified application, avoiding the notified portion from Mavoor Road Junction to SBI Junction. Extension sought is for curtailment of round trip from City to Olavanna and extension from Arayidathupalam to Kalipoika for a distance of 1.2km . It is reported that proposed trip curtailment is through well served area and the proposed extension is through ill served area. Hence variation **granted** , subject to settlement of timings.

## ITEM NO 8

Heard. Variation involves extension of route from Annassery to Cheekkilode. It is reported that the proposed extension will be beneficial to the public and students, since this area is ill served. Hence variation **granted** , subject to settlement of timings.

## ITEM NO 9

Heard.Perused the Judgement of Hon'ble High Court in WP(c) 16681/2021 . Application for renewal of permit and variation of permit on the route Areacode-Kozhikode –Sulthanbathery was considered and allowed by RTA in its meeting held on 12.04.2018. The grant was not availed by the permit holder so far. Another application for renewal of permit and replacement of vehicle was filed on 21.07.2021, along with a Medical Certificate dated 28.03.2019.

On verification of records, it is seen that the permit holder failed to avail the renewal of permit and variation of permit application, granted by RTA within the stipulated time. No valid reasons or documents is submitted by the permit holder to prove the delay in availing permit. The KSRTC objected by citing the Judgement in WPC 24250/2015 dated 07/09/2015.(Usman Vs RTA ) & Seethal VS RTA Thrissur[2003(KLT357)] , that the permit cannot be renewable as the applicant has not availed the renewal within the stipulated time prescribe in rule 159(2) of KMVR and applicant is not holding a vehicle. The permit holder not only defaulted the service but also ceased to own the vehicle. The replacement of vehicle is only possible after the renewal of permit. Without a vehicle, permit cannot be renewed.

This Authority examined above facts in detail. Hence the decision of this authority in granting renewal and variation of permit stands **revoked**. The vehicle is not having a valid permit at present. Hence the application for replacement is also **rejected**.

#### ITEM NO 10

Heard. Renewal of permit **granted** subject to (1) clearance of dues to Government, if any(2) Production of NOC from Financier, if applicable

#### ITEM NO 11

Heard. Renewal of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

#### ITEM NO 12

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

#### ITEM NO 13

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable.

#### ITEM NO 14

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable.

ITEM NO 15

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

ITEM NO 16

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

ITEM NO 17

Heard. Transfer of permit granted subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable.

ITEM NO 18

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

ITEM NO 19

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

ITEM NO 20

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

ITEM NO 21

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable

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ITEM NO 22

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier ,if applicable

ITEM NO 23

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier ,if applicable.

ITEM NO 24

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 25

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 26

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 27

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 28

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

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ITEM NO 29

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable



ITEM NO 30

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 31

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 32

Heard. Transfer of permit (death) **granted** ,subject to clearance of dues to Government ,if any .

ITEM NO 33

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

ITEM NO 34

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

### ITEM NO 35

Heard. Transfer of permit **granted**, subject to (1) clearance of dues to Government, if any

(2) Production of NOC from financier, if applicable

### ITEM NO 36

Heard. Transfer of permit **granted** from the name of Permit holder to the name of legal heir of grantee; Sri Sreenish P , subject to (1) clearance of dues to Government, if any

and (2) Production of NOC from HP Company, if applicable.

### ITEM NO 37

This is an item reported by Joint Regional Transport Officer, Koduvally. The vehicle KL 57 R 8210 was found conducting service carrying load, in excess of permissible load carrying capacity of the vehicle , violating Section 113 and 114 read with Section 194 of MV Act. The check report was supported by weighment slip from an approved weighing station and the offence was admitted by the person who has driven the vehicle at the time of Check. Copy of the check report was acknowledged then and there. Show cause notice was issued to the permit holder, calling for explanation. The permit holder in his reply dated 08.12.2020, submitted that the weighment centre is not an authorised one. This cannot be considered as valid reason to exempt him from payment of fine. The weighing centre has valid authorisation from the concerned Government department.

Perused the connected files and considered the application on merits. The restriction of overload as per the provision of MV Act sec 113 and 114 is implemented and higher rate of fine as per sec 194 is imposed, because the State is much concerned about the durability of roads and safety of other vehicle and road users, including pedestrians. It is not easy to steer a vehicle safely, when it carries load beyond the weight permissible for each goods vehicle. Fine is imposed to discourage the tendency of carrying overload and positively curb such serious offence and to compensate the loss incurred due to damages sustained by the roads.

The permit holder was given a reasonable opportunity to support his defence. It is proved beyond doubt that the vehicle was found carrying overload.

**Hence the Permit holder is directed to remit an amount of Rs 14000/- as compounding fee for the offence detected. If the permit holder fails to remit the compounding fee within 15 days from the date of communication of this decision, the permit shall be suspended for a period of 15 days from 15.12.2021. The permit holder shall surrender the permit before the concerned authority and inform the place of garage of the vehicle. The service of the vehicle shall be watched during the period of garage.**

#### ITEM NO 38

Heard. This is an application for grant of license to work as an agent for the sale of tickets and canvassing passengers for public service vehicles. Verified the report of field officer and the documents submitted by the applicant. This authority also verified Section 93 of MV Act and Rule 193 of Kerala Motor Vehicle Rules.

In order to have uniformity in conditions while issuing licence in form LAPT, Govt of Kerala, have suggested certain conditions to be observed by RTAs.

#### 1 Booking office

The office space should have a minimum of 150sqft size with the following passenger facilities

i] Customer lounge with comfortable seating arrangements for at least 10 passengers, including ladies

ii] Toilet facilities within the premises

iii] Clock room with locker facility

iv] CCTV facilities with back up data, storage for up to 6 months

v] Drinking water facilities should be available

vi] Portable fire extinguisher [DCP-5Kgs]

2 Sufficient stopping space for the vehicle for boarding and alighting the passengers, without disturbing the free flow of traffic and other road users

3 Parking space for at least 3 heavy passengers' vehicle within a distance of 5 KMs

4 No booking office-parking place shall be within 500 metres from KSRTC –Moffusil stand

5. Complaint redressal telephone numbers of Kerala Police, RTO, Women help line etc shall be exhibited in the office

6.The licensee /operator have sufficient alternative arrangements of substitute vehicles, in the case of any breakdown

7 Age of the licensee should be minimum 18 years

8 The applicant should not have a criminal history a police clearance certificate has to be obtained and submitted

9 The financial resource of the applicant should be sufficient to provide a sustainable service

10. The applicant should have adequate computer knowledge.

This authority is of the opinion that the applicant should comply and have the above mentioned criteria. A detailed enquiry report on the above matter is needed to take a decision on the application. Secretary RTA shall conduct an enquiry and submit a specific and detailed report and place the matter before next RTA. Hence **Adjourned**

ITEM NO 39

Shall be fixed and intimated later.

Supplementary item 1

Heard. Transfer of permit **granted** subject to (1) clearance of dues to Government, if any

(2) Production of NOC from Financier ,if applicable.

Chairman & Member 1

Sri. Dr. NARASIMHUGARI T L REDDY IAS,  
District Collector and Chairman,  
Regional Transport Authority, Kozhikode.

Member 2

Sri. Dr. SRINIVAS A IPS,  
Superintendent of Police (Rural)  
Member RTA ,Kozhikode

Member 3

Sri. R RAJEEV,  
Deputy Transport Commissioner,  
North Zone, Kozhikode  
Member RTA ,Kozhikode