

DECISION OF THE REGIONAL TRANSPORT AUTHORITY, THRISSUR
MEETING HELD ON 20.04.2022

(Venue : Conference Hall, Civil Station, Ayyanthole)

Present :

CHAIRMAN : SMT. HARITHA V KUMAR, IAS
DISTRICT COLLECTOR &
CHAIRMAN, R T A,
THRISSUR.

MEMBER : SMT. AISHWARYA DONGRE, IPS
DISTRICT POLICE CHIEF,
THRISSUR RURAL,
(MEMBER, R T A, THRISSUR)

MEMBER : SHRI. JAMES M P
DEPUTY TRANSPORT COMMISSIONER ,
CENTRAL ZONE-1, THRISSUR.
(MEMBER, R T A, THRISSUR)

Item No 1

Perused the judgment of the Hon'ble High Court of Kerala dated 10/01/2022 in WP(C) No. 27543/2021.

The applicant was absent. This is an application for fresh regular stage carriage permit on the route Veerolipadam – Wadakkanchery as ordinary service filed on 13/03/2017. The route enquiry report reveals that total route length is 12 Km and the distance of overlapping with the notified route is 1.7 Km. This clearly violates clause 5 (c) of G O (P) No. 42/2009/Tran dated 14/07/2009. KSRTC as well as other en route operators have vehemently raised objections against granting this permit.

The Hon'ble High Court of Kerala in the above judgment directs this authority *to consider and pass orders on the application of regular permit, on obtaining fresh route enquiry report, as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this judgment.*

Hence the Secretary RTA is directed to issue proper notice to the applicant and shall place the application before this authority in the next meeting. Hence decision on the application for fresh stage carriage permit is **adjourned**.

Item No 2

Heard. This is an application for renewal of regular permit on the inter district route Vazhani Dam – Palakkad as LSOS valid upto 28.04.2021, in respect of the stage carriage KL 08 BD 234. The enquiry officers have reported that overlapping with notified route is not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 3

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur - Ernakulam as LSOS valid upto 22.01.2021, in respect of the stage carriage KL 46 L 770. The enquiry officers have reported that overlapping with notified routes/approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 4

Heard. This is an application for renewal of regular permit on the inter district route Andathode – Ayyanthole – Thrissur – Shornur - Ottapalam as LSOS valid upto 17.09.2020, in respect of the stage carriage KL 06 E 1245. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an

existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 5

Heard. This is an application for renewal of regular permit on the inter district route Kumbidi – Kumaranellur -Thrissur as LSOS valid upto 09.04.2021, in respect of the stage carriage KL 59 A 333. The enquiry officers have reported that existing route overlaps with notified route but permit is renewable as per G O (P) No. 42/2019 dated 14.07.2009. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 6

Heard. This is an application for renewal of regular permit on the inter district route Thrissur - Kozhikkode as LSOS valid upto 30.03.2020, in respect of the stage carriage KL 08 AZ 1212. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 7

Heard. This is an application for renewal of permit on the inter district route Ernakulam – Kozhikkode Medical College. The route length is 204 Km, which exceeds the 140 Km limit, set by Rule 2(oa) of Kerala Motor Vehicle Rules, 1989. Since the applicant is not willing to restrict the total operating distance to 140 Km, Secretary shall obtain required route enquiry reports from the respective enquiry officers/Sister RTA and place the matter in the ensuing meeting of RTA. In compliance with the directions of Hon'ble High Court of Kerala in the judgment dated 12/01/2022 in WP(C) No. 11074/2020 and connected cases, the applicant is also entitled to continue to operate on the above route on the strength of temporary permits. Hence decision on the application for renewal of permit is **adjourned**.

Item No 8

Heard. This is an application for renewal of regular permit on the intra district route S N Puram – Irinjalakuda having route length 21 Km, issued on 20/10/2006 vide permit no. 8/408/2006. On perusal of the records and the route enquiry report of the enquiry officer dated 22/12/2021, it was found that the operating route objectionably overlaps with the notified route violating clause 5(c) of G O (P) No. 42/2009/Tran dated 14/07/2009. In view of the further notifications and various judgments of Hon'ble High Court of Kerala, the permits

issued in the private sector on or before 09/05/2006 will only be allowed to continue till the date of expiry. As on now, this permit is not renewable. Hence the decision on the application for renewal of permit is **adjourned**.

Item No 9

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Thrissur - Kuttipuram as LSOS valid upto 04.01.2021, in respect of the stage carriage KL 08 BH 252. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 10

Heard. This is an application for renewal of regular permit on the inter district route Guruvayoor - Palakkad as LSOS valid upto 19.11.2020, in respect of the stage carriage KL 05 Z 3949. The enquiry officers have reported that overlapping portions are not objectionable for renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 11

Perused the judgment dated 10/02/2022 of the Hon'ble High Court of Kerala in WP(C) No. 3782/2022.

Heard. This is an application for renewal of permit on the intra district route in respect of stage carriage KL 08 AH 1354. Application for renewal of permit received in time on 07/05/2021. While filing the renewal application, the applicant has not produced NOC from the financier. On 04/02/2022 the permit holder submitted that he had applied for NOC from the financier on 26/04/2021 and intimated that he has not received any communication from the financier. He also requested to consider this application as per 51 (9) (a) of M V Act 1988. The applicant has failed to produce the NOC from the financier, and the financier has also not responded to the notice issued by the Secretary as per the direction of Hon'ble High Court of Kerala in the above mentioned judgment.

Hence the applicant is directed to produce the copy of his request made and filed to the financier under Section 51(6) seeking NOC for renewal of permit, to substantiate his declaration dated 07/01/2022. Hence decision on the application for renewal of permit is **adjourned**.

Item No 12

Heard. This is an application for renewal of regular permit on the inter district route Thrissur – Mulayamkavu – Mullurkkara – Arangottukara - Pattambi as LSOS valid upto 31/03/2020, in respect of the stage carriage KL 48 D 345. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 13

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur - Ottapalam as LSOS valid upto 11.01.2021, in respect of the stage carriage KL 36 A 2522. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 14

Heard. Decision on the application for renewal of permit is **adjourned**, for want of route enquiry report from Secretary RTA Thrissur, with regard to the portion of the route lying in this district with details of notified routes, if any.

Item No 15

Heard. Decision on the application for renewal of permit is **adjourned**, for want of route enquiry report from Secretary RTA Thrissur, with regard to the portion of the route lying in this district with details of notified routes, if any.

Item No 16

Heard. This is an application for renewal of permit on the inter district route Guruvayur – Govindapuram as LSOS. The permit was valid upto 16/08/2020. The vehicle KL 6 D 5715 covered by the permit no. 8/55/1990 had attained 15 years of age, set for LSOS permits as on 13-08-2021. The applicant has not taken any sincere efforts to put the service operational for conveyance of travelling public by replacing the vehicle with a suitable one. Since the vehicle covered by the permit at present is not suitable for operation as LSOS, the application for renewal of permit is **rejected**.

Item No 17

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Thrissur - Kuttipuram as LSOS valid upto 29.11.2020, in respect of the stage carriage KL 08 AW 4815. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 18

Perused the judgments of Hon'ble High Court of Kerala in WP(C) No. 23919 of 2021 dated 10/12/2021, WP(C) No. 27198 of 2021 dated 08/12/2021 and WP(C) No. 30837 of 2021 dated 31/12/2021.

Heard the petitioners of the above writ petitioners, other en route operators including representatives of KSRTC. This is an application for renewal of regular permit on the intra district route Thrissur – Thriprayar having route length 26 Km, issued on 22/10/2011 vide permit no. 8/4046/2011. On perusal of the records and the route enquiry report of the enquiry officer dated 02/01/2022, it was found that the operating route objectionably overlaps with the notified route violating clause 5(c) of G O (P) No. 42/2009/Tran dated 14/07/2009. In view of the further notifications and various judgments of Hon'ble High Court of Kerala, the permits issued in the private sector on or before 09/05/2006 will only be allowed to continue till the date of expiry. As on now, this permit is not renewable. Hence the decision on the application for renewal of permit is **adjourned**.

Item No 19

Heard. Decision on the application for renewal of permit is **adjourned**, for want of route enquiry report from Secretary RTA Thrissur, with regard to the portion of the route lying in this district with details of notified routes, if any.

Item No 20

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Ernakulam as LSOS valid upto 07.08.2020, in respect of the stage carriage KL 47 E 4041. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 21

Heard. This is an application for renewal of regular permit on the inter district

route Guruvayur – Ernakulam as LSOS valid upto 13/10/2020, in respect of the stage carriage KL 47 F 4140. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 22

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Palakkad as LSOS valid upto 10.07.2021, in respect of the stage carriage KL 49 6768. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 23

Heard. This is an application for renewal of regular permit on the inter district route Thrissur - Palakkad as LSOS valid upto 22.09.2021, in respect of the stage carriage KL 08 BS 9315. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 24

Heard. Decision on the application of renewal of permit is **adjourned** for want of route enquiry report for the entire portion lying in the jurisdiction of Sister RTA Palakkad.

Item No 25

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Palakkad as LSOS valid upto 31.07.2020, in respect of the stage carriage KL 08 AT 6955. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 26

Heard. This is a belated application for renewal of regular permit on the inter district route Thrissur - Kozhikkode as LSOS, in respect of the stage carriage KL 08 AW 6606. The permit was valid upto 04.12.2017. Application for renewal of permit was filed on 30/04/2018 after expiry of the permit. The request to condone delay in filing the application for renewal of permit is considered. This authority is convinced that the applicant is prevented by good and

sufficient reasons from making the application for renewal of permit in time due to his health related issues. Also, the enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit.

Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 27

Heard. This is an application for renewal of regular permit on the inter district route Palakkad - Guruvayur as LSOS valid upto 03.05.2021, in respect of the stage carriage KL 45 A 8161. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 28

Heard. This is an application for renewal of regular permit on the inter district route Ayyanthole - Palakkad as LSOS valid upto 09.01.2021, in respect of the stage carriage KL 49 G 7300. The enquiry officers have reported that the overlaps with notified routes/ approved schemes are not objectionable since it is an existing saved permit.. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 29

Heard. This is an application for renewal of regular permit on the inter district route Guruvayur – Palakkad as LSOS valid upto 02.05.2020, in respect of the stage carriage KL 08 BT 7120. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable and strongly recommend the renewal as the route is beneficial to the general public. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 30

Heard. This is an application for renewal of regular permit on the inter district route Ayyanthole – Ottapalam as LSOS valid upto 21.04.2021, in respect of the stage carriage KL 59 J 7149. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence

renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 31

Heard. This is an application for renewal of regular permit on the inter district route Thrissur – Medical College - Palakkad as LSOS valid upto 28.07.2021, in respect of the stage carriage KL 08 BE 8283. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 32

Heard. This is an application for renewal of regular permit on the inter district route Kodungallur – Palakkad as LSOS valid upto 26.09.2020, in respect of the stage carriage KL 08 AR 8676. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 33

Applicant is absent. Hence decision on the application for renewal of permit is **adjourned**. Secretary, RTA is directed to place the application in the next meeting of the RTA, after issuing due notice to the applicant without fail.

Item No 34

Heard. Decision on the application for renewal of permit is **adjourned**, for want of route enquiry report from Secretary RTA Thrissur, with regard to the portion of the route lying in this district with details of notified routes, if any.

Item No 35

Heard. Decision on the application for renewal of permit is **adjourned**, for want of route enquiry report from Secretary RTA Thrissur, with regard to the portion of the route lying in this district with details of notified routes, if any.

Item No 36

Heard. Decision on the application of renewal of permit is **adjourned** for want of route enquiry report for the entire portion lying in the jurisdiction of Sister RTA Palakkad.

Hence decision on the application for the transfer of permit is **adjourned** for considering after the validation of the permit.

Item No 37

Heard. This is an application for renewal of regular permit on the inter district route Govindapuram - Guruvayur as LSOS valid upto 22.04.2021, in respect of the stage carriage KL 45 M 7173. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable in the case of renewal of an existing permit. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Decision on the application for the transfer of permit is **adjourned** for validation of the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after endorsing the granted renewal as per the above decision and issuing due notices to both the applicants.

Item No 38

Heard. This is an application for renewal of regular permit on the inter district route Guruvayoor – Ernakulam as LSOS valid upto 13.10.2020, in respect of the stage carriage KL 46 E 9990. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable. Hence renewal of permit is **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 39

Heard. This is an application for transfer of permit subsequent to the death of permit holder Sri Aravindakshan in respect of stage carriage KL 46 H 1102 to the name of his wife Smt. Krishnakumari. Permit was valid upto 18/11/2019. Also an application for renewal of permit is filed by the proposed transferee on 12/11/2019 after the demise of Sri Aravindakshan on 13/07/2019. The delay in filing the application is condoned.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of

other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit **adjourned**.

Item No 40

Heard. This is an application for transfer of death subsequent to the death of the permit holder Sri Gijo in respect of stage carriage KL 16 C 3465 to the name of his wife Smt. Gigi. Permit was valid upto 16.04.2022. Also an application for renewal of permit is filed by the proposed transferee on 04/01/2022 after the demise of Sri Gijo on 01.12.2020.

Transfer of permit (death) and renewal of permit are **granted**, subject to the production of NOC from financier, if applicable, clearance of Govt. dues if any and remittance of application fees, if not paid.

Item No 41

Heard. This is an application for transfer of permit subsequent to the death of permit holder Sri Vasudevan in respect of stage carriage KL 05 V 786 to the name of his wife Smt. Sreejabai. Permit was valid upto 14.09.2021. Also an application for renewal of permit is filed by the proposed transferee on 06.08.2021 after the demise of Sri Vasudevan on 31.05.2021.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit **adjourned**.

Item No 42

Heard. This is an application for transfer of death subsequent to the death of the permit holder Sri Sabu M V in respect of stage carriage KL 45 C 3014 to the name of his wife Smt. Jaicy. Permit was valid upto 19.09.2021. The permit holder filed an application for renewal of permit on 21.06.2021 before his demise on 10.08.2021.

Transfer of permit (death) and renewal of permit are **granted**, subject to the production of NOC from financier, if applicable, clearance of Govt. dues if any and remittance of application fees, if not paid.

Item No 43

Perused the judgment of Hon'ble High Court of Kerala dated 23/12/2021 in WP(C) No.

29790/2021.

Heard. This is an application for renewal of permit in respect of stage carriage KL 4 P 6670 on the intra district route Chalakudy – Anapuzha – Guruvayur operating as LSOS and valid upto 16/09/2021. The vehicle covered by the permit has attained 15 years of age as on 27/06/2019, set for LSOS stage carriages. Application for renewal of permit was filed on 3/8/2021. Vehicle is not held under HPA. Due to the age restriction, the vehicle KL 4 P 6670 has become unsuitable for operation and was laid up under continuous Form G. On 30/09/2021, an application for replacement of vehicle is filed with later model stage carriage KL 57 9117, owned by the permit holder himself. The material difference in terms of seating capacity exceeds 25% by increase in the number of seats from 38 to 48, but it seems to be beneficial for travelling public. Hence renewal of permit and replacement of vehicle are **granted**, subject to the production of NOC from financier, if applicable, clearance of Govt. dues if any and remittance of application fees, if not paid.

Item No 44

Heard. This is an application for renewal of permit in respect of stage carriage KL 47 E 1314 filed on 18/10/2021, to operate on the inter district route Chottanikkara – Guruvayur, as LSOS. The permit expired on 07/11/2016. As per the decision of this authority dated 21/01/2020 in Supplementary Item No. 13, renewal of permit and replacement of vehicle (by KL 47 C 8055) was allowed, subject to some conditions imposed by the RTA. Even after the lapse of two years, the grantee failed to avail the granted renewal as well as replacement by submitting current records of the vehicle. The applicant has detailed his reasons for substantiating his lapse in availing the granted permit vide submission dated 12/04/2022. Since the applicant failed to produce the current records of the vehicle within the time stipulated in Rule 159(2) of Kerala Motor Vehicle Rules, 1989, the decision of this authority granting **renewal and replacement** in the meeting held on 21/01/2020 in Supplementary Item No. 13 is hereby **revoked**.

In view of the above decision, the **application for renewal of permit** filed for further period of 5 years is defective and **disposed as infructuos**.

Item No 45

Perused the judgment of Hon'ble High Court of Kerala dated 17/03/2021 in WP(C) No. 4008/2021(A).

Heard. The regular permit in respect of the stage carriage KL 6 7119 on the route Kunnamkulam – Ernakulam as LSOS, is valid upto 10/06/2011. The vehicle covered by the permit had attained 15 years of age on 16/05/2010. By keeping the permit under suspended animation the vehicle is detached from the stage carriage permit and defaulted service to the public. Applications for renewal of permit for successive periods are seen filed on 31/05/2011, 3/11/2015 and 08/01/2021 respectively, and applications for replacement of vehicle respectively on 15/05/2009 and 13/07/2017. Applications for renewal of permit dated

31/05/2011, 03/11/2015 and the replacement applications as mentioned above were rejected by this authority in a speaking decision vide item no. 6 in the meeting held on 15/09/2017. The decision of rejections were impugned before the Hon'ble STAT, Ernakulam and the validity of permit was extended upto 29.12.2017 under section 214 (2) of M V Act, 1988. Even within the extension of validity of permit upto 29/12/2017, the applicant failed to avail renewal as well as replacement and make the permit operational for the conveyance of public.

Now as per the directions contained in the judgment dated 17/03/2021 in WP(C) 4008/2021 (A) the application for renewal of permit and replacement of vehicle are reconsidered. On perusal of records, there is no valid renewable permit existing in this case and no suitable vehicle was produced by the applicant during the extended validity of the permit, which was provided by the Hon'ble Tribunal. Hence the applications for renewal of permit and replacement of vehicle are **rejected**.

In view of the above decision, the **application for renewal of permit** filed on 08/01/2021 for further period is defective and **disposed as infructuos**.

Item No 46

Heard. These are applications for renewal of regular permit on the inter district route Guruvayoor – Ernakulam as LSOS valid upto 21.08.2021, in respect of the stage carriage KL 46 7585 and replacement by stage carriage KL 58 C 3986. The enquiry officers have reported that overlapping with notified routes/ approved schemes are not objectionable. Hence **renewal of permit is granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

While considering the replacement application, it was found contrary to the Rule 174 (2) (C) of Kerala Motor Vehicle Rules, 1989, as the incoming vehicle is much older to the outgoing vehicle. The Hon'ble Supreme Court of India in its dictum has upheld the discretion power of this authority, and hence the application for **replacement of vehicle is rejected** considering the polluting factors that is in no way beneficial to the public.

Item No 47

Perused the judgment dated 31/12/2021 of Hon'ble High Court of Kerala in WP(C) No.30836/2021.

Heard. The regular permit in respect of KL 55 5007 operating on the intra district route Vellikulangara – Chalakudy – Randukai as ordinary service was valid upto 07/06/2021. Application for renewal of permit was granted by the Secretary RTA for further period of 5 years from the above date of expiry. The decision granting renewal of permit was communicated to the permit holder by order no. C3/6072/2021 dated 18/11/2021. The grantee failed to produce current records of the above vehicle within the stipulated period of 4 months in aggregate as per Rule 159 (2) of Kerala Motor Vehicle Rules, 1989. But he filed a request dated 10/12/2021 on 14/12/2021, requesting to allow renewal of permit in respect of the incoming vehicle KL 05 T 7074 and extension of time for producing current records.

The judgment of Hon'ble High Court of Kerala mentioned above directs *to consider the replacement application dated 21/10/2021, taking into consideration of the above request.*

The Secretary RTA shall obtain feasibility report of the proposed replacement and place the matter before this authority for reconsideration with due notice to the applicant in the ensuing meeting. Hence decision on the applications are **adjourned**.

Item No 48

Perused the judgment dated 16/09/2021 of Hon'ble High Court of Kerala in WP(C) No.7291/2020.

Heard the applicant and the en route operators including the representative of KSRTC. This is to reconsider the application for variation of regular stage carriage permit in respect of KL 47 G 1067. The proposed variation is sought for an extension of 2 Km from Kottakadavu to Kallepparambu and rearrangement of trips. The application was rejected by the RTA held on 31.01.2019 vide decision in item no. 54. But Hon'ble STAT Ernakulam in its judgment dated 05/04/2019 in MVARP No. 57/2019 set aside this decision directing to reconsider the application for variation afresh taking into consideration the undertaking of the permit holder that no additional operation between Kodungallur and Moonupeedika in violation to the notified scheme. The matter was considered by this authority on 05/09/2019 vide item no. 154 and decision taken as *adjourned* since the permit holder has not produced any undertaking to the effect that there is no additional operation between Kodungallur and Moonupeedika violating the notified scheme. But the Hon'ble High Court of Kerala in its judgment dated 16/09/2021 in WP(C) 7291/2020 directed this authority *to consider the application for variation treating that the petitioner has undertaken that he does not seek any additional operation in that route.*

The permit holder has also submitted an undertaking dated 03/03/2022 stating the above mentioned facts. The Secretary RTA shall obtain a detailed report stating whether the new proposal violates the clause 19 of the notification scheme as per G O (P) 42/2009/Tran dated 14/07/2009 and submit the application for variation in the next ensuing meeting of RTA, after issuing due notices to all the concerned. Hence **adjourned**.

Item No 49

Heard the applicant, objectors including representative of KSRTC and other en route operators. Considered the request of Secretary RTA, Thrissur seeking clarification on the communication of the decision arrived at by way of circulation on 03/02/2021 by the Chairman RTA, which is contradictory to the unanimous decision of other two members with regard to the application of variation of permit in respect of stage carriage KL 07 AX 5444 operating on the route Munakkakadavu – Thrissur. Rule 129 of Kerala Motor Vehicle Rules 1989, states *all questions which may come before the regional Transport Authority at any meeting shall be decided by a majority of the members present and voting at the meeting and in every case of equality of votes, the Chairman shall have and exercise a second casting vote.*

While considering this application by way of circulation on 03/02/2021, all the three members were present (including Chairman, RTA Thrissur). Two members of the authority, other than the chairman, casted their vote for rejecting the application for variation of permit. But the chairman is seen casted his vote against the recommendation of other members of the RTA. There is no question of equal votes as stipulated in Rule 129 above. Hence secretary shall communicate the following decision dated 03/02/2021 (arrived at by way of circulation under Rule 130 of KMVR 1989) as depicted below.

The stage carriage KL-07-AX-5444 is now operating on the route Munakkakadavu-Thrissur (via) Guruvayur,Chavakkad,Pangu,Parappur, Adat and Poonkunnam on the strength of regular permit valid up to 11/06/2025.As per the propositd variation,the permit holder intends to curtail permanently all trips from Muthuvara to Chittilappilly (Via) Puranattukara ans Adat (3.7 Kms) and to deviate from Muthuvara to Chittilappilly (Via) Amala (3.1 Kms) ,without change in the existing timings .The field officer has reported that even though the variation is beneficial to the direct the passengers from Thrissur to Chavakkad, the intermediate passengers at Adat and Puranattukara will be affected badly.Moreover , a distance of 1.4 Kms on the proposed variation portion from Muthuvara to Amala is overlapping on the notified route (Ernakulam-Guruvayur),(SI No.20 in the annexure of G.O.(P) No.8/2017/Trans dated 23/03/2017) in addition to existing overlapping for 6.6 Kms from Muthuvara to Thrissur , which is objectionable.The proposal to conduct additional trip on the notified route violates clause 19 of of the G.O(P) No.8/2017/ Trans dated 23/03/2017.Clause 19 of the notification states that the State Transport Undertaking reserves the right to operate additional service or increase the number of trips on each route mentioned in the annexure.This route portion is included in the SI.No.20 of the said annexure.RTA has no jurisdiction to grant variation of permits as additional trips on the notified routes.

*Considered the application on merits.It is found that the permit holder intends to deviate all trips from an ill served area to well served area.There is no necessity of variation as mentioned in Rule 145(6) (i) and (ii) of KMV Rules 1989 and proposed route violates clause 19 of of the G.O(P) No.8/2017/ Trans dated 23/03/2017.Hence may be **rejected**.*

Item No 50

Heard. This is an application for variation of permit for an evening trip between Kulappully and Ottapalam. The proposed time schedule mentioned in the agenda does not match with the timings proposed by the enquiry officer. Also there are vehement objections alleging unhealthy competitions among the existing en route operators in case of variation with proposed timings are allowed. Hence the applicant is directed to submit a modified time schedule possibly retaining the existing timings to a maximum.

On receipt of the same, Secretary shall conduct enquiry on the proposed timing and submit the matter before this authority for reconsideration. Hence **adjourned**.

Item No 51

Heard. This is an application for variation of permit by extending route from Changala Gate to Boat Jetty (1 Km) in respect of stage carriage KL 16 B 5004. The report of the enquiry officer reveals the proposed variation will be beneficial to travelling public. There is no overlapping with the notified route/approved scheme. Hence variation of permit **granted** retaining all existing timings and subject to settlement of timing in the variations of portion.

Item No 52

Perused the judgment dated 31.01.2022 of Hon'ble High Court of Kerala in WP(C) 3138/2022.

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 53

Perused the judgment dated 27.01.2022 of Hon'ble High Court of Kerala in WP(C) 2673/2022.

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 54

Perused the judgment dated 31.01.2022 of Hon'ble High Court of Kerala in WP(C) 3138/2022.

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 55

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 56

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 57

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 58

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 59

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 60

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 61

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 62

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 63

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 64

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 65

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier,

if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 66

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 67

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 68

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 69

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 70

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 71

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 72

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 73

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Item No 74

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Item No 75

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Item No 76

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Item No 77

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Item No 78

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Item No 79

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 80

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 81

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 82

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 83

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 84

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 85

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 86

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 87

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 88

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 89

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 90

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 91

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 92

This is a replication of item no. 59.

Item No 93

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 94

Heard. This is an application for transfer of permit subsequent to the death of permit holder Sri Balan P K in respect of stage carriage KL 47 F 7517 to the name of his son Sri. Ratheesh P B. Permit is valid upto 07.05.2022.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit **adjourned**.

Item No 95

Heard. Reconsidered the application for transfer of permit subsequent to the death of the permit holder Smt. Lalitha Bhai to her son Sri Bibilal. As per the decision of this authority dated 24/12/2021 in item no. 100, the applicant has produced evidence to prove his succession for the entitlement for transfer. Hence transfer of permit (death) from the name of the deceased permit holder to her son Sri Bibilal is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 96

Heard. Reconsidered the application for transfer of permit subsequent to the death of the permit holder Sri Davis C O to his son Sri Dijo Davis. As per the decision of this authority dated 24/12/2021 in item no. 103, the applicant has produced evidence to prove his succession for the entitlement for transfer. Hence transfer of permit (death) from the name of

the deceased permit holder Sri Davis C O to his son Sri Dijo Davis is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 97

Heard . Perused the records. Transfer of permit (death) from the name of the deceased permit holder Sri Sabu to his wife Sri Jaicy is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 98

Heard. Reconsidered the application for transfer of permit subsequent to the death of the permit holder Sri Davis C O to his son Sri Dijo Davis. As per the decision of this authority dated 24/12/2021 in item no. 104, the applicant has produced evidence to prove his succession for the entitlement for transfer. Hence transfer of permit (death) from the name of the deceased permit holder Sri Davis C O to his son Sri Dijo Davis is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 99

Heard. This is an application for transfer of permit subsequent to the death of permit holder Sri Balan P K in respect of stage carriage KL 47 B 239 to the name of his son Sri. Ratheesh P B. Permit was valid upto 23.03.2022. Also an application for renewal of permit is filed by the proposed transferee on 18/03/2022 along with request to condone delay in filing the application, after the demise of Sri Balan P K on 25/05/2019.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit are **adjourned**.

Item No 100

Heard. This is an application for transfer of permit subsequent to the death of permit holder Smt. Bhargavi in respect of stage carriage KL 13 Q 1515 to the name of her son Sri. Sajeev P R. Permit is valid upto 31.05.2025. Also an application for renewal of permit is filed by the proposed transferee on 14/09/2021, after the demise of Smt. Bhargavi on 27/05/2020.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit are **adjourned**.

Item No 101

Heard . Perused the records. Transfer of permit (death) from the name of the deceased permit holder Sri. Sabu M V to his wife Smt. Jaicy is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 102

Heard. Reconsidered the application for transfer of permit subsequent to the death of the permit holder Sri Davis C O to his son Sri Dijo Davis. As per the decision of this authority dated 24/12/2021 in item no. 102, the applicant has produced evidence to prove his succession for the entitlement for transfer. Hence transfer of permit (death) from the name of the deceased permit holder Sri Davis C O to his son Sri Dijo Davis is **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 103

Heard. This is an application for transfer of permit subsequent to the death of permit holder Sri Vasudevan in respect of stage carriage KL 08 AF 6606 to the name of his wife Smt. Sreejabai. Permit is valid upto 12/12/2024.

Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary, RTA shall ascertain that the applicant is the person succeeding to the possession of the vehicle with the legal consent of other legal heirs and submit a report before this authority for reconsideration of both the applications for renewal of permit and transfer of permit, with due notices to all the concerned. Hence decision on the applications for transfer of permit (death) and renewal of permit **adjourned**.

Item No 104

Heard. On perusal of the one and the same certificate issued by Village Officer, Pazhanji vide CT No. 37447896 dated 17.01.2019, this authority is convinced that both the permit holder Sri Haridasan and the registered owner of the incoming vehicle KL 56 A 3400, Sri

Hari T A is one and the same. Hence replacement of the stage carriage **granted**, subject to production of NOC from financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Item No 105

Heard. The renewal of permit in respect of KL 47 2012 was granted as per the decision of this authority dated in item no. 85. The decision is seen communicated to the applicant on 12/11/2019. Now on 18/01/2022 the grantee filed a request to condone delay and requested two more months to produce the current records of the vehicle even after the lapse of two and half years. His request to allow more time is not found reasonable. Hence as per Rule 159 (2) of Kerala Motor Vehicle Rules 1989, the **grant of renewal of permit is revoked**.

Item No 106

Heard. This is a request of Sri K J Joseph, the permit holder of KL 09 U 1698 operating on the route Chathakkudam – Ponganamkadu as ordinary service to cancel the permit of his stage carriage. On perusal of records, the permit is seen that the permit is valid upto 17/11/2021 and an application for renewal of permit is pending. The applicant surrendered the original permit on 31/01/2022 intimating his inability to continue the stage carriage service. Hence as per Rule 183 of Kerala Motor Vehicle Rules 1989, the **surrender of the permit is accepted** with effect from 31.01.2022

Secretary shall **cancel the permit** and issue proceedings subject to clearance of arrear of Motor vehicle tax, Govt. dues if any and production of NOC from financier, if applicable.

Item No 107

Heard. This is a request seeking sanction for construction of bus waiting shed at Anandapuram Peedika. Secretary shall obtain No Objection Certificate from the concerned Traffic/ Police Authorities and report whether there is approved bus stop at the proposed site. For compliance of the above directions, decision on the request is **adjourned**.

Item No 108

This is a request for a new bus stop in front of District Palliative Centre, Thrissur for stage carriages. The applicant was absent. Secretary shall obtain No Objection Certificate from Thrissur Municipal Corporation Authority and Police/Traffic Authorities as required under Rule 206 of Kerala Motor Vehicle Rules 1989 and place the matter for reconsideration before this authority. Hence **adjourned**.

Item No 109

Heard. This is a request for approval for new bus stand at Poovathur in Elavally Grama Panchayath. On perusal of records, it is found that the necessary No Objection Certificate from concerned Traffic/Police authorities and PWD authorities are not obtained. Hence Secretary shall obtain the same as per Rule 207 of Kerala Motor Vehicle Rules, 1989 and place the request before this authority for reconsideration. Hence **adjourned**.

Item No 110

Heard all the concerned. This is a request dated 29/07/2021 forwarded by Secretary Kunnankulam Municipality to approve the decision taken by District Traffic Regulatory Committee dated 26/07/2021 as per Section 72 of Kerala Police Act, with regard to entry of stage carriages from various places passing through Kunnankulam to the newly constructed E K Nayanar Bus Terminal.

On perusal of the above decision of District Traffic Regulatory Committee, it is seen that the authority had decided upon the traffic regulation of stage carriages touching Kunnankulam town subsequent to construction of new bus stand. In this connection, Secretary shall report whether sanction has been obtained by Kunnankulam Municipality for functioning of the new bus stand as required under Rule 207 of Kerala Motor Vehicle Rules, 1989. Hence decision on this request is **adjourned**.

Item No 111

Heard all the concerned. Perused the records and reports. This is to reconsider the request to approve a new bus stand at Anamala Junction, Chalakudy. While this matter is taken up for consideration, allegations were received stating that no basic facilities are arranged in the new bus stand. Hence Secretary shall obtain compliance report, from the Secretary, Chalakudy Municipality whether the new bus stand have all the facilities mentioned in Rule 344 of Kerala Motor Vehicle Rules, 1989. On receipt of such communication, a joint inspection comprising of officers of Motor Vehicle Department, PWD and Police/Traffic Authority shall be conducted. Along with the joint inspection report, with due notices to all the concerned the request shall be placed before this authority for reconsideration. Hence **adjourned**.

Item No 112

Heard. This is a request for allowing maximum time to produce current records for stage carriage for availing fresh regular permit granted on the route Kallettumkara – Thelappilly, as per the decision of this authority dated 06/10/2021 in item no. 2. On perusal of records, it is seen that the decision was communicated to the grantee on 15/01/2022 from the office of RTA Thrissur. The above request to allow maximum time is submitted on 07/02/2022. Considering

the request as per Rule 159 (2) of Kerala Motor Vehicle Rules 1989, maximum time is **allowed** upto 14/05/2022 to produce current records of a suitable stage carriage.

Item No 113

Heard. On perusal of records, the regular permit in respect of stage carriage KL 09 R 1028 on the route Guruvayur – Palakkad is seen valid upto 26/03/2021. The application for renewal of permit filed on 05/03/2021 is not seen submitted before this authority. Also the vehicle has attained 15 years of age set for LSOS stage carriages as on 04/05/2020. Secretary has issued notices under Rule 152 of Kerala Motor Vehicle Rules, 1989 and the reply furnished by the permit holder is not satisfactory. Hence Secretary shall place the pending application for renewal of permit in the next meeting of this authority with due notices to the applicant. Hence the request is **rejected**.

Item No 114

Heard. Considered the request of Secretary, RTA Palakkad (Vide Endt. No. C2/7576/2019/P dtd 30.07.2020) for the concurrence of this Regional Transport Authority for variation of the permit (No. 9/434/2005 valid up to 24.07.2025) in respect of stage carriage KL 49 A 3767 operating on the route Olippara - Pazhambalakkode to extend the portion of the route from Pazhambalakkode to Thiruvilwamala (5.3 Kms) which falls within the jurisdiction of this authority. The enquiry conducted reveals that the above portion of the road is fit and feasible for traffic and is beneficial to the general public especially pilgrims, who visit Thiruvilwamala temple. The field officer has also reported that there is no overlapping with the notified route/approved scheme in the extension sought portion.

Hence, ***concurrence for variation of permit for extending the route portion from Pazhambalakkode to Thiruvilwamala is granted***, without prejudice to the right of the Regional Transport Authority, Palakkad to peruse other aspects and to decide on the application for variation of permit.

Item No 115

This is a belated application for renewal of permit in respect of auto rickshaw KL 45 M 1207. Permit in respect of this vehicle is seen expired on 13.07.2020. Belated application for renewal of permit received on 10.03.2022. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to her health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 116

This is a belated application for renewal of permit in respect of auto rickshaw KL 08 BJ 5405. Permit in respect of this vehicle is seen expired on 14.01.2020. Belated application for renewal of permit received on 13/09/2021. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to her health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 117

Heard. The auto rickshaw KL 08 B 43 owned by Sri M A Joseph, covered by permit no. 8/101295/1995 is seen renewed upto 02/05/2026. As per the death certificate, Sri M A Joseph is seen expired on 10/10/2019. The application for renewal of permit was filed on 06/03/2021, after the after the expiry of permit holder, by hiding the fact that the permit holder has expired. Hence the **renewal of permit** granted on improper application is **revoked**.

The proposed transferee shall surrender the permit forthwith. On surrender of the above permit, the same shall be cancelled by the Secretary. After effecting transfer of ownership of the vehicle in the favour of the applicant (successor), duly complying all legal procedures, the applicant is free to apply for a fresh permit in the vacancy of the cancelled permit. On receipt of such an application, **Secretary shall grant a fresh permit** to the applicant subject to realisation of compounding fees for the permitless operation.

Item No 118

Heard. The auto rickshaw KL 08 BE 1491 owned by Sri Abdul Majeed, covered by permit no. 8/18896/1996 is seen renewed upto 21/03/2026. As per the death certificate, Sri Abdul Majeed is seen expired on 22/09/2018. The application for renewal of permit was filed on 02/03/2021, after the after the expiry of permit holder, by hiding the fact that the permit holder has expired. Hence the **renewal of permit** granted on improper application is **revoked**.

The proposed transferee shall surrender the permit forthwith. On surrender of the above permit, the same shall be cancelled by the Secretary. After effecting transfer of ownership of the vehicle in the favour of the applicant (successor), duly complying all legal procedures, the applicant is free to apply for a fresh permit in the vacancy of the cancelled permit. On receipt of such an application, **Secretary shall grant a fresh permit** to the applicant subject to realisation of compounding fees for the permitless operation.

Item No 119

- a) Ratified.
- b) Ratified.

(Items approved by Chairman on 20-04-2022)

Item No 120 A

Heard. This is an application for variation of permit on the route Irinjalakuda – Kombathukadavu – Kodungallur – Chirakkal in respect of the stage carriage KL 09 W 4597. Enroute operators vehemently objected this item by pointing out that there is no urgency to consider this application without publishing the agenda in advance. Hence, decided to **adjourn** the decision on the application for variation of permit. Secretary shall place the matter in the ensuing meeting for reconsideration.

Item No 120 B

1) Perused the order of the Hon'ble High Court of Kerala dated 06/04/2022 in Contempt Case (C) No. 2673 of 2019(S) [in WP(C) No. 13656/2019].

2) Heard. This matter was considered by this authority as an additional item permitted by Chairman in the light of the above order of the Hon'ble High Court of Kerala. These are applications for variation of permits in respect of auto rickshaws, filed by Sri Rajesh and 40 others. All these applications are seeking variations of permit to change the existing parking place to various places in the city limits. Alleging non consideration of these applications, the above mentioned applicants had filed a writ petition 13656/2019 before the Hon'ble High Court of Kerala. The judgment dated 17/06/2019 in WP(C) 13656/2019 directs the Secretary RTA, Thrissur (3rd respondent) *to place these applications before this authority if applications are properly submitted by the petitioners in the prescribed form PVA after remittance of requisite fee, with due notice to the petitioners, Thrissur Corporation and Secretary, Thrissur Corporation, to pass appropriate orders within a stipulated period.*

As per the order of the High Court of Kerala dated 27/10/2021 in Contempt Case (Civil) 2673/2019, Secretary Thrissur Corporation has intimated this office the decision taken by the Council of Thrissur Municipal Corporation in the meeting held on 15/09/2021 in item no. 19 vide letter dated 30/10/2021. Also the order of the Hon'ble High Court of Kerala dated 06/04/2022 in Contempt Case (C) No. 2673 of 2019(S) [in WP(C) No. 13656/2019], directs *to place the matter in the open meeting of RTA in terms of the direction of Hon'ble High Court of Kerala in the judgment dated 17/06/2019 in WP(C) 13656/2019. To offer an opportunity to hear the versions of the petitioners, Thrissur Corporation and Secretary, Thrissur Municipal Corporation, the matter is decided to be placed before a special open meeting of this authority proposed to be conducted on 14.06.2022. Hence adjourned.*

Item No 120 C

1) Perused the judgment of Hon'ble High Court of Kerala dated 14.09.2021 in WP(C) No. 18939 of 2021.

2) This is an application seeking permission for transfer of the permit in respect of stage carriage KL 08 AN 3757 [Permit no. 8/43/1991 valid upto 28.11.2021 on the route Peechi – Pullazhi] from the name of the deceased permit holder Smt. P Sathi to the name of one of her sons Sri. P Krishnankutty.

On perusal of records, permit is seen expired on 28.11.2021 and application for renewal of permit filed on 29.11.2021 is pending under consideration. Now the vehicle is seen operational on the strength of the temporary permit issued. As per the death certificate, the permit holder Smt. Sathi was expired on 23.12.2020. The applicant is not seen submitted any document to prove that he is succeeding to the possession of the vehicle as required under Section 82 (3) of Motor Vehicle Act 1988 also in compliance to the observation of Hon'ble High Court of Kerala in the judgment dated 14.09.2021 in WP(C) 18939 of 2021 to proceed further on the application for transfer of permit. Hence Secretary shall place both the applications for renewal of permit and transfer of permit with detailed notes before this authority in the open forum with due notices to the concerned to offer an opportunity for hearing, on producing document evidencing succession of the vehicle by the applicant. Hence decision on the application of transfer of permit (death) is **adjourned**.

Item No 121

Will be fixed later and published on the notice board.

Supplementary Item No 1

Perused the judgment of Hon'ble STAT Ernakulam dated 13/06/2019 in MVAA No. 56/2018.

These are applications for renewal of permit in suspended animation in respect of KL 02 AA 7144 operating on the intra district route Vellakarithadam – Peechi Dam – Kodungallur and replacement of the stage carriage by KL 11 AN 7658. Applicant was absent. There were objections from en route operators against allowing these applications. In compliance to the direction of the tribunal in the above judgment Secretary shall issue proper notice to the applicant and place the applications mentioned in the judgment for reconsideration. Hence **adjourned**.

Supplementary Item No 2

Perused the judgment of Hon'ble STAT Ernakulam dated 25.01.2020 in MVAA No. 09/2020.

Heard the applicant and the en route operators including the representative of KSRTC. . This is an application for variation of permit in respect of stage carriage KL 02 S 5310 operating

on the intra district route Palattumuri – Chavakkad. Secretary shall conduct a specific enquiry on whether the proposed variation violates clause 19 of G O (P) No. 42/2009/Tran dtd 14/07/2009 and submit a fresh report detailing the existing route and proposed variation with a neat sketch , including details of overlapping if any. Hence **adjourned**.

Supplementary Item No 3

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable, clearance of Govt. dues, if any and remittance of application fees, if not paid.

Supplementary Item No 4

Heard. This is a an application for replacement of stage carriage KL 60 7017 by stage carriage KL 37 364. The permit is valid upto 02/05/2022 on the intra district route Moonupeedika – Banglakadavu. The incoming vehicle is older than the existing vehicle. Also the feasibility report of the enquiry officer with regard to the suitability and viability of this replacement reveals that this replacement violates Rule 174 (2) (c) of Kerala Motor Vehicle Rules, 1989. Hence **rejected**.

Supplementary Item No 5

Perused the order of Hon'ble STAT Ernakulam dated 17/03/2018 in MVAA No. 155/2015.

Heard. On perusal of records and enquiry reports submitted by the Secretary and after considering various aspects it is revealed that this is a request for revision of timings in respect of stage carriage KL 08 AS 5868 operating on the inter district route Thrissur – Pattambi as ordinary service, seeking parity in operation with the en route operators. Secretary RTA is the authority to revise the timings. The Hon'ble tribunal has given specific direction to Secretary RTA to reconsider the application afresh and pass orders in accordance with law, within the stipulated time, after hearing all parties concerned. Hence the matter is **remanded back to the Secretary RTA Thrissur**, to peruse the order of the Hon'ble STAT dated 17/03/2018 in MVAA No. 155/2015 in accordance with the decision of STA D3/875/STA/2005 dated 04/01/2018.

Supplementary Item No 6

Heard. Secretary shall hear both the complainant and the permit holder in person. Secretary shall also conduct a detailed enquiry through an officer not below the rank of Joint Regional Transport Officer and submit before this authority, the detailed report with all the findings including neat sketch of the route. Hence decision on the complaint is **adjourned**.

(Sd/-)

Shri. James M P

Deputy Transport Commissioner
Central Zone – 1, Thrissur
(Member , RTA Thrissur)

(Sd/-)

Smt. Aishwarya Dongre IPS

District Police Chief, Thrissur Rural
(Member , RTA Thrissur)

(Sd/-)

Smt Haritha V Kumar

Dist. Collector & Chairman RTA Thrissur
Thrissur