

**THE REGIONAL TRANSPORT AUTHORITY - MUVATTUPUZHA**  
**HELD AT COLLECTORATE CONFERENCE HALL,**  
**ERNAKULAM ON 19.07.2025 at 11 a.m.**

**Present**

**Chairman**

Sri. NSK. Umesh IAS, District Collector, Ernakulam

**Members**

1. Smt. Hemalatha M. IPS, District Police Chief, Ernakulam Rural, Aluva.
2. Sri. Anoop Varkey, Deputy Transport Commissioner (Law), CZ-II  
Ernakulam.

**Item No: 1**

**A4/63/2025/EM**

This is an application preferred by Smt. Philomina Devasia for the grant of a fresh stage carriage permit on the route Kaloor- Muvattupuzha- Kadavoor. The applicant has offered an old model bus bearing registration no KL 13 P 6116 which has been replaced and discarded being unfit for use. It is a 2005 model vehicle registered on 02.01.2006 having a life span of two and half years only which is insufficient to avail of the entire tenure of five years of permit in case the permit is granted.

Grant of permit to the said out modelled vehicle will not advance safety, and comforts of travelling public. Use of buses with noisy engines, old upholstery, uncomfortable seats and continuous emission of black smoke from the exhaust pipe was the order of the olden days only. It is not in public interest to grant permits to such vehicles the statutory requirements of which have been given a go by making cosmetic changes to the body of such vehicles. We are not inclined to grant new permits to vehicles which do not satisfy AIS: 052 standards bus body code prescribed under Rule 125 (C)

of CMV Rules, 1989 which has come into effect from 01.10.2017. The stage carriage offered by the applicant is not covered by a certificate of fitness issued by an automated testing station and it cannot be deemed to be fit and suitable for stage carriage operation unless and until it is tested and certified by such authority. In view of the above facts and circumstances the application is **rejected**.

**Item No: 2**

**A4/66/2025/EM**

Heard the applicant Smt. Philomina Devasia. She has applied for a stage carriage permit under section 66 of the Act offering a 'suitable vehicle' which does not have existence outside her own imagination. She has not acquired the ownership of the vehicle so offered even at the time of consideration of the application today. The applicant has offered a brand new vehicle with a seating capacity of 35 in all and expressed her desire to put the said vehicle within the specified period of one month. In view of the urgency of service on the proposed route, permit is **granted** subject to the condition that the vehicle offered shall comply with AIS: 052 standards prescribed in Rule 125 (c) of the central motor vehicle rules, 1989 and it shall be of Type II Category to ensure safety and comforts of passengers. The vehicle shall meet the requirements of BS VI specification as laid down in WA No.454/2023 (DB). The time Schedule shall be settled in conformity with the provisions of sections 91 of MV Act and 13 of The Motor Transport Workers Act and rule 188 of KMV rules after hearing the interested persons.

**Item No: 3**

**A4/54/2025/EM**

Heard the applicant Sri. Jomy Devasy. He has applied for a stage carriage permit on the route Aluva- Perumbavoor- Thattekkad under section 66 of the Act offering a 'suitable vehicle' which does not have existence outside his own imagination. He has not acquired the ownership of the vehicle so offered even at the time of consideration of the application today. The phrase in section 66 (1) of the revised MV Act, 1988 stands out prominently to convey the idea that no person other than the owner of the vehicle is competent to apply for or obtain a permit.

The definition of the term 'permit' under section 2 (31) of the Act signifies the necessity of a motor vehicle in existence, either duly registered or not, for being authorized to be used as a transport vehicle. The provisions of rule 159 (2) of the KMV rules do not enjoin the transport authority to grant a permit to a non-existent vehicle.

Having regard to the aforesaid statutory provisions the application is **rejected.**

**Item No: 4**

**A4/35/2025/EM**

This is an application preferred by Smt. Jesna Beerankunju for the grant of a fresh stage carriage permit on the route Perumbavoor - Vyttila hub. The applicant has offered an old model bus bearing Registration no. KL 08 AJ 3004 which has been replaced and discarded being unfit for use. It is a 2006 model vehicle registered on 06.03.2006 having a life span of two and half years only which is insufficient to avail of the entire tenure of five years of permit in case the permit is granted. Moreover the said vehicle is not owned by the applicant himself. It is owned by Mr. Parameswaran V.V.

The route applied for comprises of four different routes with seven termini, which is impermissible as laid down in the judgement in Vivek Dwivedi v/s Prem Narain (AIR 1991 MP1).

Grant of permit to the said out modelled vehicle will not advance safety, and comforts of travelling public. Use of buses with noisy engines, old upholstery, uncomfortable seats and continuous emission of black smoke from the exhaust pipe was the order of the olden days only. It is not in public interest to grant permits to such vehicles the statutory requirements of which have been given a go by making cosmetic changes to the body of such vehicles. We are not inclined to grant new permits to vehicles which do not satisfy AIS: 052 standards for bus body code prescribed under Rule 125 (C) of CMV Rules, 1989 which has come into effect from 01.10.2017. The stage carriage offered by the applicant is not covered by a certificate of fitness issued by an automated testing station and it cannot be deemed to

be fit and suitable for stage carriage operation unless and until it is tested and certified by such authority. In view of the above facts and circumstances the application is **rejected**.

**Item No: 5**

**A4/85/2025/EM**

Heard the applicant. Sri. Sunil MV who has applied for a fresh stage carriage permit on the route Muvattupuzha- Neriyaamagalam - Kakkanad. He has not offered any vehicle for being granted with a permit. In view of the common judgement in WP(C) No. 43281/2024 dtd. 28.01.2025, permit is **granted** subject to the following conditions.

- i. The vehicle offered by the applicant shall be of Type II conforming to AIS: 052 standards relating to bus body code specified under Rule 125- C of the Central Motor Vehicles Rules.
- ii. The vehicle shall be of Type II category for inter- urban or inter- city operation so as to achieve the minimum standards of safety and comforts of passengers.
- iii. The vehicle shall meet the requirements of BS VI specification as laid down in WA No.454/2023 (DB).
- iv. The time Schedule shall be settled in conformity with the provisions of sections 91 of MV Act and 13 of The Motor Transport Workers Act and rule 188 of KMV rules after hearing the interested persons.

**Item No: 6**

**A4/136/2025/EM**

This is an application preferred by Sri. Ali P.P for the grant of a fresh stage carriage permit on the route Pazhamthottam- Piravom The applicant has offered an old model bus bearing registration no KL 5 X 7962 which has been replaced and discarded being unfit for use. It is a 2007 model vehicle registered on 29.03.2007 having a life span of 3 years only which is insufficient to avail of the entire tenure of five years of permit in case the permit is granted.

Grant of permit to the said out modelled vehicle will not advance safety, and comforts of travelling public. Use of buses with noisy engines, old upholstery, uncomfortable seats and continuous emission of black smoke from the exhaust pipe was the order of the olden days only. It is not in public interest to grant permits to such vehicles the statutory requirements of which have been given a go by making cosmetic changes to the body of such vehicles. We are not inclined to grant new permits to vehicles which do not satisfy AIS: 052 standards bus body code prescribed under Rule 125 (C) of CMV Rules, 1989 which has come into effect from 01.10.2017. The stage carriage offered by the applicant is not covered by a certificate of fitness issued by an automated testing station and it cannot be deemed to be fit and suitable for stage carriage operation unless and until it is tested and certified by such authority.

Moreover the applicant Ali P.P has been indulging in the habit of obtaining permits and selling it with the motive of unlawful gain and profit. He has proposed to sell a permit with vehicle no. KL 24 A 4849 plying on the route Perumbavoor-Ernakulam to Sri.Roopesh M Baby vide item No 42 of this agenda. An applicant for a permit who indulges himself in trafficking in permit is not entitled to the grant of a fresh permit.

In view of the above facts and circumstances the application is **rejected**.

**Item No: 7**

**A4/188/2021/EM**

Heard the applicant Sri. Mahesh kumar who preferred an application for a stage carriage permit for operating on the route Neriamangalam- Avolichal. He has also offered a stage carriage KL 62 A 7803 which is in fact in operation on the same route with a minor change of route. Permit is **granted** subject to settlement of timings.

**Item No: 8**

**A4/165/2021/EM**

Heard the applicant Sri. Manu P.M who preferred an application for a stage carriage permit for operating on the route Neriamangalam- Kothamangalam, Kottappady-Perumbavoor-Aluva He has also offered a stage carriage

KL 58 B 9169 which is in fact in operation on the same route with a minor change of route. Permit is **granted** subject to settlement of timings.

**Item No: 9**

**A4/110/2021/EM**

Heard the applicant Sri. Ginson Joseph who preferred an application for a stage carriage permit for operating on the route Veetampara- Malippara- Kothamangalam- Aluva He has also offered a stage carriage KL 05 AG 0528 which is in fact in operation on the same route with a minor change of route. Permit is **granted** subject to settlement of timings.

**Item No: 10**

**A4/45/2023/EM**

Heard the applicant Sri. Joy P.M who preferred an application for a stage carriage permit for operating on the route Neriamangalam-Kottappady-Aluva He has also offered a stage carriage KL 44 H 7889 which is in fact in operation on the same route with a minor change of route. Permit is **granted** subject to settlement of timings.

**Item No: 11**

**A4/336/2024/EM**

This is an application preferred by Joshy V.M for the grant of a fresh stage carriage permit on the route Perumbavoor – Kothamanaglam. The applicant has offered an old model bus bearing registration no KL 17 D 9308 which has been replaced and discarded being unfit for use. It is a 2006 model vehicle registered on 13.07.2006 having a life span of two and half years only which is insufficient to avail of the entire tenure of five years of permit in case the permit is granted.

Grant of permit to the said out modelled vehicle will not advance safety, and comforts of travelling public. Use of buses with noisy engines, old upholstery, uncomfortable seats and continuous emission of black smoke from the exhaust pipe was the order of the olden days only. It is not in public interest to grant permits to such vehicles the statutory requirements of which have been given a go by making cosmetic changes to the body of such vehicles. We are not inclined to grant new permits to vehicles which do

not satisfy AIS: 052 standards bus body code prescribed under Rule 125 (C) of CMV Rules, 1989 which has come into effect from 01.10.2017. The stage carriage offered by the applicant is not covered by a certificate of fitness issued by an automated testing station and it cannot be deemed to be fit and suitable for stage carriage operation unless and until it is tested and certified by such authority. In view of the above facts and circumstances the application is **rejected**.

**Item No: 12**

**A4/125/2024/EM**

This is an application preferred by Sri. Mani Balakrishnan Ilayidam for the grant of a fresh stage carriage permit on the route Malayattoor church-Akanad-Perumbavoor- South Vallom- Chalamattom- Parppuram- Kalady-Naduvanoor. The applicant has offered an old model bus bearing registration no KL 17 D 7256 which has been replaced and discarded being unfit for use. It is a 2006 model vehicle registered on 18.05.2006 having a life span of two and half years only which is insufficient to avail of the entire tenure of five years of permit in case the permit is granted.

Grant of permit to the said out modelled vehicle will not advance safety, and comforts of travelling public. Use of buses with noisy engines, old upholstery, uncomfortable seats and continuous emission of black smoke from the exhaust pipe was the order of the olden days only. It is not in public interest to grant permits to such vehicles the statutory requirements of which have been given a go by making cosmetic changes to the body of such vehicles. We are not inclined to grant new permits to vehicles which do not satisfy AIS: 052 standards bus body code prescribed under Rule 125 (C) of CMV Rules, 1989 which has come into effect from 01.10.2017. The stage carriage offered by the applicant is not covered by a certificate of fitness issued by an automated testing station and it cannot be deemed to be fit and suitable for stage carriage operation unless and until it is tested and certified by such authority. In view of the above facts and circumstances the application is **rejected**.

**Item No: 13****A4/80/2024/EM**

Heard the applicant, Sri. M.N Ajayakumar who has applied for a fresh stage carriage permit on the route Muvattupuzha-Oonnukal- Neriyaamangalam-Kothamangalam. He has not offered any vehicle for being granted with a permit. He stated that he has made loan arrangements under Udyam Registration Scheme for the purchase of a new stage carriage and he is ready to operate said vehicle immediately after the grant of permit. In view of the said statement and common judgement in WP(C) No. 43281/2024 dtd. 28.01.2025, permit is **granted** subject to the following conditions.

- i. The vehicle offered by the applicant shall be of Type II conforming to AIS: 052 standards relating to bus body code specified under Rule 125-C of the Central Motor Vehicles Rules.
- ii. The vehicle shall be of Type II category for inter- urban or inter- city operation so as to achieve the minimum standards of safety and comforts of passengers.
- iii. The vehicle shall meet the requirements of BS VI specification as laid down in WA No.454/2023 (DB).
- iv. The time Schedule shall be settled in conformity with the provisions of sections 91 of MV Act and 13 of The Motor Transport Workers Act and rule 188 of KMV rules after hearing the interested persons.

**Item No: 14****A4/44/2021/EM**

Heard the applicant Sri. Faisal C A the holder of permit in respect of bus no. KL 07 BK 8765 operating on the route Ezhupunna- Permbavoor. The variation applied for involves curtailment of route and extension of route. This is a saved permit under the approved scheme Ernakulam – Muvattupuzha GO(P)No.5/2017 Tran dtd. 21.02.2017. The permitted route overlaps the notified route from Vyttila-Kadavanthra. In view of the prohibition of any sort of variation contemplated in the approved scheme, the application for variation is **rejected**.



**Item No: 15****A4/50/2021/EM**

Heard the applicant Sri. Abdul Nasar the holder of permit in respect of bus no. KL 25 3969 operating on the route Permbavoor-Kaloor via Hillpalace, Tripunithura, Vyttila and Kadavanthara. The variation applied for involves curtailment of route and extension of route. This is a saved permit under the approved scheme Ernakulam – Muvattupuzha GO(P)No.5/2017 Tran dtd. 21.02.2017. The permitted route overlaps the notified route from Hillpalace junction-Kadavanthra. In view of the prohibition of any sort of variation contemplated in the approved scheme. The application for variation is **rejected**.

**Item No: 16****A4/102/2022/EM**

Applicant absent. **Adjourned**.

**Item No: 17****A4/86/2020/EM**

Heard the applicant Sri. Basil Joseph the holder of permit in respect of bus no. KL 40 B 7347 operating on the route Kolanchery – Koothattukulam. The variation applied for involves extension of route via Pambakkuda. The extent of overlapping on the notified route Ernakulam- Muvattupuzha has to be ensured before taking decision in the matter. Hence **adjourned**.

**Item No: 18****A4/70/2020/EM**

The permit on the route Mundenmudy-Kaliyar-Muvattupuzha was granted by the RTA taking into consideration the convenience and advantages of the travelling public in and around the said route. Any change in the route by variation is likely to affect the convenience of the commuters. There is no case that any circumstances specified in subsections (6) or (7) of Rule 145 have ever arisen warranting the variation applied for. The attempt of the permit holder is a part of his experiments as to how to enrich his own commercial interests. It does not appear to be in public interest. Therefore the application is **rejected**.

**Item No: 19****A4/202/2021/EM**

Heard the applicant Smt. Mary Mathai the holder of permit in respect of bus no. KL 17 U 1400 operating on the route Muvattupuzha - Ernakulam via Tripunithura, Vyttila and Kadavanthara. The variation applied for involves curtailment of route and extension of route. This is a saved permit under the approved scheme Ernakulam – Muvattupuzha GO(P)No.5/2017 Tran dtd. 21.02.2017. The permitted route overlaps the notified route from Tripunithura-Kadavanthra. In view of the prohibition of any sort of variation contemplated in the approved scheme, the application for variation is **rejected**.

**Item No: 20****A4/98/2022/EM**

Hear the applicant. Delay **condoned**. Renewal **granted**.

**Item No: 21****A4/77/2020/EM**

Heard the applicant. This is an application preferred by Sri. Sogi George for the renewal of permit in respect of bus KL 17 K 5796 plying on the route Thulappilly- Kaloor. Call for specific report of enquiry and feasibility report by the secretaries of RTA Kottayam, Pathanathitta and Idukki in terms of STA decision No. D2/10389/STA/2014 dtd.14.06.2017 **Adjourned**.

**Item No: 22****A4/729/2024/EM**

There is no necessity for reconsider the matter. Since it has already being decided and disposed of.

**Item No: 23****A4/122/2023/EM**

Heard the applicant. This is an application preferred by Sri. George Antony for the renewal of permit in respect of bus KL 40 G 3204 plying on the route Perumbavoor- Ernakulam. Renewal **granted**.

**Item No: 24****A4/05/2025/EM**

Concurrence **Granted**.

**Item No: 25****A4/132/2025/EM**Concurrence **Granted.****Item No: 26****A4/121/2025/EM**Concurrence **Granted.****Item No: 27****A4/04/2025/EM**Concurrence **Granted.****Item No: 28****A4/120/2025/EM**Concurrence **Granted.****Item No: 29****A4/09/2025/EM**Concurrence **Granted.****Item No. 30****A4/142/2023/EM**

Heard Sri. Jomon C D applicant No 1, who is the holder of the permit and Sri. Santhosh T, Pattappathy applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 E 5263 running on the route Vettampara-Thodupuzha. and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the

matter of transfer of permit. The phrases “shall not be transferable” and “shall not order the transfer” respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants’ indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.46. The permit held by Sri. Saly in respect of bus KL 13 W 964 plying on the route Muvattupuzha- Thodupuzha is sought to be transferred into the name of the proposed transferee Sri. Santhosh T Pattappathy.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

### **Item No. 31**

**A4/116/2023/EM**

Heard Sri. Dinu Suter applicant No 1, who is the holder of the permit and Sri. Aravind Vishnu applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 06 D 9439 plying on the route Paingottoor-Kothamangalam and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' and lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona

fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

### **Item No: 32**

**A4/141/2023/EM**

Heard Sri. Sibichan Mathew applicant No 1, who is the holder of the permit and Sri. Anilkumar T N applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 35 F 4419 plying on the route Muvattupuzha- Neendapara and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty of lack of personal management are no germane considerations for perming transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant in favour of other persons during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70 and 71 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

**Item No: 33**

**A4/39/2024/EM**

Heard Sri. Hamsa P K applicant No 1, who is the holder of the permit and Sri. Benesh P Kumar applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 4775 plying on the route Muvattupuzha - Kaliyar and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is

'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in



permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.44 the permit held by Hamsa P K in respect of bus KL 44 B 6399 plying on the route Kaliyar- Muvattupuzha- Kothamangalam is sought to be transferred into the name of Binesh P Kumar.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

#### **Item No: 34**

**A4/53/2023/EM**

Heard Sri. Asokan M K applicant No 1, who is the holder of the permit and Sri. Rajeev K Balan applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 41 P 8183 on the route Perumbavoor - Piravom and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty of lack of personal management are no germane considerations for perming transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee

alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant in favour of any other person during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70 and 71 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

Heard Sri. Somanathpillai P S applicant No 1, who is the holder of the permit and Sri. Muhammed Razal K R applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 38 7594 plying on the route Infopark-Ramamangalam and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' or lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

Heard Sri. Basil Thankachan applicant No 1, who is the holder of the permit and Sri. Basil Joseph applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 25 4226 plying on the route Piravom - Muvattupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the

statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.2 (Supplementary) The permit held by Basil Thankachan in respect of bus KL 33 B 2779 plying on the route Edakkattuvayal- Thodupuzha is proposed to be transferred into the name of Jolly O M.
- ii. Item No.3 (Supplementary) The permit held by Jacob Mathew in respect of bus KL 17 R 1375 plying on the route Kolenchery- Koothattukulam is proposed to be transferred into the name of Basil Joseph.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

Heard Sri. Azeez S A applicant No 1, who is the holder of the permit and Sri. Abdul Rasak applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 40 C 5612 plying on the route Panamkuruthottam- Perumbavoor and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty of lack of personal management are no germane considerations for perming transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70, 71 and 80 of the Act and if so qualified furnish details.

6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes or proposed to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

**Item No: 38**

**A4/130/2023/EM**

Heard Sri.Abdul Basith applicant No 1, who is the holder of the permit and Sri. Joy P M applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 37 3760 plying on the route Perumbavoor-Vazhakkulam and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' or lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential

material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions within a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

**Item No: 39**

**A4/64/2021/EM**

Heard Sri. Shibu Markose applicant No 1, who is the holder of the permit and Sri. S K Prasad applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 A 0655 on the route Vaveli- Muvattupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty and lack of personal management are no germane considerations for permitting transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-



1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified in rule 178 (2) and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70,71 and 80 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

**Item No: 40**

**A4/85/2020/EM**

Heard Sri. Jaleel N K applicant No 1, who is the holder of the permit and Sri. Jijo M Mathai applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 F 4149 on the route Kothamangalam- Aluva and the proposed transferee to purchase the same provided the transfer of permit is allowed

by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' and lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

**Item No: 41**

**A4/107/2023/EM**

Heard Sri. Priyadharsan A J applicant No 1, who is the holder of the permit and Sri. Sirajudeen T.I applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 37 2266 operating on the route Avolichal - Muvattupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is

'The financial difficulty and lack of personal management' are no germane considerations for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in

permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder in trafficking in permit has been established by this authority on earlier occasions in the context of his applications for transfer of permits as well as applications for fresh permits.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

**Item No: 42**

**A4/81/2020/EM**

Heard Sri.Ali P P applicant No 1, who is the holder of the permit and Sri. Roopesh M Baby applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 24 A 4849 plying on the route Perumbavoor- Ernakulam South and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging**

**under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.6 the applicant No. 1 Ali P.P seems to be in the habit of applying for an obtaining fresh permits in public interest and selling the same with clear

motive of unlawful gains and profits. He has not even offered a vehicle for being issued with a permit.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

**Item No: 43**

**A4/12/2022/EM**

Heard Sri. Shemeer A M applicant No 1, who is the holder of the permit and Sri. Prasanth P B applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 40 U 7515 plying on the route Muvattupuzha-Aluva and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty or lack of personal management are no germane considerations for permitting transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant during the last two years.

4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70 and 71 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

**Item No: 44**

**A4/77/2024/EM**

Heard Sri. Hamsa P.K applicant No 1, who is the holder of the permit and Sri. Binesh P Kumar applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 D 6399 on the route Kaliyar – Muvattupuzha- Kothamangalam and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases “shall not be transferable” and “shall not order the transfer” respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants’ indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.



The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.33 the permit held by Hamsa P.K in respect of bus KL 44 4775 plying on the route Muvattupuzha- Kaliyar is proposed to be transferred to the name of Binesh P Kumar.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

#### **Item No: 45**

**A4/52/2022/EM**

Heard Sri. Gips Mathew applicant No 1, who is the holder of the permit and Sri. Renjithkumar N R applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle

KL 56 9132 plying on the route Vadattupara- Thodupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty and lack of personal management are no germane considerations for permitting transfer of permit.

No direction from the RTA Idukki has been received to the effect that the endorsement granted by that authority shall be continued even after the grant of transfer of permit.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to

have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.
2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70 and 71 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

Heard Sri. Sali applicant No 1, who is the holder of the permit and Sri. Santhosh T Patapathy applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 13 W 0964 plying on the route Muvattupuzha- Thodupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the

statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.30 the permit held by Jomon CV in respect of bus KL 44 E 5263 plying on the route Vattampara - Thodupuzha is sought to be transferred into the name of the proposed transferee Santhosh T Pattappathy.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

#### **Item No: 47**

**A4/142/2021/EM**

Heard Sri. Simo A K applicant No 1, who is the holder of the permit and Sri. Alangadan Muhammed Sajeer applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 38 E 4128 on the route Perumbavoor-Kothamangalam and the proposed transferee to purchase the same provided

the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising

out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.49 the permit held by Simo A K in respect of bus KL 40 H 1502 plying on the route Chettinada- Kothamangalam is proposed to be transferred into the name of Sri. Anish Paul.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

#### **Item No: 48**

**A4/73/2023/EM**

Heard Sri. Sajan Varghese applicant No 1, who is the holder of the permit and Sri. N J Varghese applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 40 G 2383 plying on the route Perumbavoor- Muvattupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' and lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they

produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions within a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

#### **Item No: 49**

**A4/114/2022/EM**

Heard Sri. Simo A K applicant No 1, who is the holder of the permit and Sri. Anish Paul applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 40 H 1502 plying on the route Chettinada- Kothamangalam and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178

(7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.



- i. Item No.47 the permit held by Sijo A K in respect of bus KL 38 E 4128 plying on the route perumbavoor - Kothamangalam is sought to be transferred into the name of Alangadan Muhammed Sajeer.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

**Item No: 50**

**A4/82/2021/EM**

Heard Sri. Jithesh Ramakrishnan applicant No 1, who is the holder of the permit and Sri. Abbas K M applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 34 7395 on the route Vadattupara- Perumbavoor and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. Financial difficulty of lack of personal management are no germane considerations for permitting transfer of permit.

The RTA Idukki has not directed this authority that the endorsement given by that authority in respect of the route Vadattupara- Perumbavoor shall be continued under the provisions of rule 178 (5) (c) of KMV rules.

Section 82 puts an embargo on the transfer of permit with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. It appears that no earnest efforts have been made under Rule 178 (7) to ensure the bona fides of the application, the genuineness of the transaction and its propriety and legality. It appears that the financial soundness and other capabilities of the proposed transferee alone have weighed with the enquiry officer. The personal hearing said to have been conducted by the Motor Vehicles Inspector is also unauthorized under law. Therefore a detailed enquiry by the secretary is deemed necessary on the following:-

1. Number of permits held by the transferor at present.

2. The date on which the permit in question was either granted to or transferred into the name of the first applicant.
3. Number of permits transferred by the first applicant during the last two years.
4. Whether the applicants have produced any anterior or mutual agreement or promissory note disclosing the matters specified therein and whether such matters are true or not.
5. Whether the proposed transferee is qualified enough to hold a stage carriage permit with reference to sections 70 and 71 of the Act and if so qualified furnish details.
6. The conduct of both the transferor and transferee often indulging themselves in the business of buying and/or selling permits as disclosed by their indulgement in such matters during the last two years.
7. Whether the permit holder proposes to transfer the permit with vehicle without any premium, payment or other consideration which is to pass or has passed between the applicants.
8. Whether the proposed transfer of permit is in public interest or with the sole motive of unlawful gains or profit to the transferor out of the proposed transfer.
9. The present possessor and controller of the vehicle covered by the permit.

The matter is **adjourned**.

**Item No: 51**

**A4/05/2021/EM**

Heard Smt. Flowerlet Siby applicant No 1, who is the holder of the permit and Sri. Binoy Kurian applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 40 4746 plying on the route Urulanthanni-Mamalakkandom and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the

emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' and lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

**Item No: 52**

**A4/23/2021/EM**

Heard the applicant Smt. Hasna Yousef who is the wife of the diseased T K Yousef. The intimation of the death of the permit holder and application for the transfer the permit in connection with bus No KL 07 BW 4810 operating on the route Moozhikkal Kadavu - Alwaye have been received in time. Considered the application. Transfer of permit is **permitted**.

**Item No: 53**

**A4/150/2021/EM**

Heard Sri. Kabeer applicant No 1, who is the holder of the permit and Sri. Amal V Asokan applicant No.2, who is the proposed transferee. No tangible

reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 44 B 7731 plying on the route Velloor railway station-Valiyapara and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' or lack of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

**Item No: 54****A4/25/2020/EM**

Heard Sri. Ummer Kokkadan Pareed applicant No 1, who is the holder of the permit and Sri. Sulfickkar A U applicant No.2, who is the proposed transferee. The permit is in relation to bus KL 17 P 7749 is permitted to plying on the route Vadattupara- Neendapara. It appears that the permit holder desires to transfer the permit to his near relation (son) probably out of love and affection which is a circumstance emerging during the usual course of business of the permit holder. Therefore the transfer of permit applied for is **permitted**.

**Item No: 55****A4/181/2021/EM**

Heard the applicants Sri. Laiju Baskaran and Sri. Shaiju Baskaran in connection with the transfer of permit in respect of bus No KL 17 F 3829 permitted to ply on the route Karimkunnam – Ernakulam Kaloor on account of the necessity to transfer the permit to the near-relations out of love and affection. It is stated in the application that the permit holder desires to transfer of permit to his brother Sri. Shaiju Baskaran with a view to maintaining the service more efficiently and in accordance with law. The said application appears to be bona fide and hence transfer of permit is **allowed**.

**Item No: 56****A4/210/2023/EM**

Heard Mrs. Mary Eldho applicant No 1, who is the holder of the permit and Sri. Thomas Mathew applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 17 P 1675 plying on the route Kaloor-Koothattukulam and the proposed transferee to purchase the same provided the transfer of permit is allowed by the authority. There is a general prohibition in the matter of transfer of permit under section 82 (1) of the Act except under the emergence of exigency of death of permit holder or similar circumstances arising during the normal course of business 'Financial difficulty' and lack

of personal management are not sufficient reasons falling within the said exception for entertaining the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the consideration and other conditions necessary for an agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). The enquiry contemplated under Rule 178 (7) will have to be based on the reasons furnished in the joint application and the statements made under Rule 178 (2). The bona fides of the proposed transfer and its propriety and legality have to be essentially ensured by the Quasi- Judicial Authority after giving the applicants a fair hearing.

The applicants are given an opportunity to submit the statements required by rule 178 (2) disclosing all the matters specified therein accompanied by the agreement/promissory note or any other documents to prove the bona fides of the application and the details of the transactions with in a period of two weeks for being considered in the next meeting of this authority after hearing the applicants in detail. The matter is **adjourned**.

**Item No: 57**

**A4/168/2021/EM**

Heard Sri. Subin Jacob applicant No 1, who is the registered owner of the vehicle KL 07 CG 8604 and Sri Shaiju K P applicant No.2, who is the proposed transferee. As per the report of Secretary RTA Mr. Aliyar M K is the permit holder and he is operating the vehicle on the basis of a lease agreement executed with Sri. Subin Jacob and the said lease agreement has not been duly endorsed in the Registration Certificate under section 51 of MV Act. Since the vehicle was already covered by an agreement of hypothecation with M/s Indusind bank no other agreement can be entered into by the parties as per law. On a conspectus of the above said facts and circumstances the application for transfer of permit is **rejected**. Moreover no tangible reasons for the proposed transfer of permit have been set forth

in the application except the desire of the permit holder to sell the vehicle KL 07 CG 8604 which is not owned by him.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost.

**Supplementary Item No: 1**

**A4/65/2025/EM**

Concurrence **granted.**

**Supplementary Item No: 2**

**A4/19/2022/EM**

Heard Sri. Basil Thankachan applicant No 1, who is the holder of the permit and Sri. Jolly OM applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 33 B 2779 plying on the route Idackattuvayal- Thodupuzha and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'The financial difficulty and lack of personal management' which is no germane consideration for transfer of permit. It is open to the permit holder, under such circumstances, to resort to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the refusal of transfer of permit is the rule and grant thereof under certain exigencies emerging under normal course of business of the permit holder is an exception.** It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of

permit. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is willful and fraudulent with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The RTA Idukki has not directed this authority that the endorsement given by that authority in respect of the route Idackattuvayal – Thodupuzha shall be continued under the provisions of rule 178 (5) (c) of KMV rules.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.36. The permit held by Sri. Basil Thankachan is proposed to be transferred to Basil Joseph in respect of bus KL 25 4226 plying on the route Piravom - Muvattupuzha.



We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

### **Supplementary Item No: 3**

**A4/123/2023/EM**

Heard Sri. Jacob Mathew applicant No 1, who is the holder of the permit and Sri. Basil Joseph applicant No.2, who is the proposed transferee. No tangible reasons for the proposed transfer of permit have been set forth in the application except the desire respectively of the permit holder to sell the vehicle KL 17 R 1375 plying on the route Kolenchery - Koothattukulam and the proposed transferee to purchase the same provided the transfer of permit is allowed in his favour. The only reason set forth in the joint application is 'the financial difficulty and lack of personal management' which are no germane considerations for transfer of permit. It is open to the permit holder, under such circumstances, to take recourse to the provisions of rule 217 and 183 of KMV rules.

Section 82 puts an embargo on the transfer of permits with an exception clause. Rule 178 provides for a clear cut formula and procedure in the matter of transfer of permit. The phrases "shall not be transferable" and "shall not order the transfer" respectively under section 82 (1) and rule 178 (7) stand out prominently to convey the idea that **the bar on transfer of permit is the rule and grant of transfer of permit under certain exigencies emerging during normal course of business of the permit holder is an exception**. The RTA is therefore not obliged to grant the transfer of permit in a mechanical manner. It therefore, follows that the quasi-judicial authority shall exercise its jurisdiction only after having regard to the provisions of section 82 and rule 178 before granting or refusing to grant the application for transfer of permit.

The applicants have not submitted separate statements required by the Rule 178 (2) of KMV Rules disclosing the matters specified therein. Nor have they produced any anterior mutual agreement or promissory note setting forth

therein the premium, consideration and other conditions necessary for a mutual agreement of contract for transfer of the right to property which itself is an essential material particular referred to in Rule 178 (3). It is within the jurisdiction the RTA to examine the joint application and the statements of the applicants for ascertaining the genuineness of the transactions and legality and propriety of the proposed transfer and also the question relating to trafficking in permit as laid down in 2004 (1) Mad.LJ215.

The omission to make such disclosures is fraud with a view to covering up the applicants' indulgence in trade of buying and selling permits, with the sole motive of making unlawful gains and profits arising out of the illegal transfer of permit which attracts the stigma of trafficking in permit. The permit holder appears to be taking undue advantage out of his position as the holder of a permit and abusing the permit by selling it for premium or other considerations. Trafficking in permits and holding of stage carriage permits by unqualified persons do have its own contributions to the lawlessness and anarchy on our roads.

The indulgence of the permit holder and the transferee in trafficking in permit is further established by the following matters taken up for consideration by this authority.

- i. Item No.36 The proposed transferee Basil Joseph has proposed to purchase another permit held by Jacob Mathew in respect of his vehicle KL 17 R 1375 plying on the route Kolenchery- Koothattukulam.

We are satisfied that the proposed transfer is not in public interest and is not bona fide in terms of the provisions of section 82 of the Act and rule 178 of the KMV Rules. It does not stand to reason that the proposed transfer of permit with vehicle is free of cost. Hence the application is **rejected**.

**Supplementary Item No: 4**

**A4/169/2025/EM**

Decision **postponed**.

### **Other Item by chairman**

To consider the necessity of seeking prior concurrence in the context of applications for inter-regional permits within Erankulam district. RTA Ernakulam and RTA Muvattupuzha fall within the territory of Ernakulam district and the said RTAs are constituted by one and the same chairman and members. Applications for the grant of stage carriage permits for inter-regional routes are often preferred by applicants which necessitate prior concurrence of the other RTA. The present practice of calling for prior concurrence from the other region in the case of permits for operation within Ernakulam district is decided to be discontinued. It thus follows that no prior concurrence need be sought for in case of inter-regional permits falling within the jurisdiction of RTA Ernakulam and RTA Muvattupuzha.

**Departmental item No. 1**

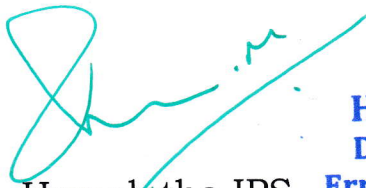
**Ratified** the work done by the secretary RTA Muvattupuzha  
Under the delegated powers.

**Next meeting date**

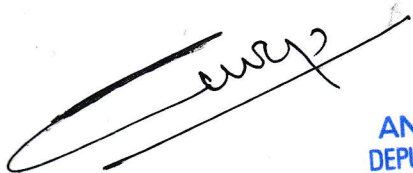
Will be decided later.



1. Sri. NSK. Umesh IAS,  
District Collector and Chairman  
RTA, Muvattupuzha



2. Dr. M. Hemalatha IPS, **Hemalatha M IPS  
District Police Chief  
Ernakulam Rural, Aluva**  
District Police Chief  
Ernakulam Rural, and member RTA, Muvattupuzha



**ANOOP VARKEY, PEN: 308636  
DEPUTY TRANSPORT COMMISSIONER  
CENTRAL ZONE II, ERNAKULAM**  
അനൂപ് വർക്കി  
ഡെപ്യൂട്ടി ട്രാൻസ്പോർട്ട് കമ്മീഷണർ  
മദ്ധ്യമേഖല -2 എറണാകുളം

3. Sri. Anoop Varkey,  
Deputy Transport Commissioner (Law)  
CZ -II, and member RTA, Muvattupuzha