

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15050 of 2010

K.Deivasigamani

.. Petitioner

Vs.

1.K.Chinnasamy

Rajam Bus Transports,
369 Gopi Main Road,
Sathiamangalam.

2.The Regional Transport Authority,
Coimbatore District, Coimbatore.

3.The State Transport Appellate Tribunal,
High Court Buildings, Chennai 600 104.

.. Respondents

Prayer:Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records of the 3rd respondent made in appeal No.24 of 2010 dated 2.7.2010 confirming the order of the 2nd respondent made in R.No.A2/27915/2009 dated 12.2.2010 in replacing the vehicle of the firm bearing Regn. No.TN 36 Y 8888 by a new vehicle plying on the route Coimbatore to Kunjapannai and quash the same.

For Petitioner : No Appearance

For R1 : Mr.R.Srinivasalu

For R2 : Mr.R.Lakshmi Narayanan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the State Transport Appellate Tribunal in an appeal filed by the petitioner against the order passed by the Regional Transport Authority, Coimbatore in favour of the 1st respondent.

2.The Tribunal, after considering the entire facts in detail by the impugned order, has dismissed the appeal filed by the petitioner. At the time when the writ petition was entertained, there was no interim order and the 1st respondent has been plying the bus and replacement of the vehicle has also been effected.

3.This Court exercising jurisdiction under Article 226 of the Constitution of India does not propose to re-appreciate the reasons assigned by the Tribunal for rejecting the appeal. In fact, the Tribunal, being the last Court where the disputed questions of fact can be raised, has considered all the issues. Therefore, this Court exercising the jurisdiction under Article 226 of the Constitution of India will not examine the correctness of the impugned order passed by the Tribunal, as if acting as a second Appellate Authority over the order passed by the Tribunal. Furthermore, even at the time when the writ petition was entertained, no interim order was granted.

4.For all the above reasons, the Writ Petition is dismissed. No costs.
sgl

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Regional Transport Authority,
Coimbatore District, Coimbatore.

2.The State Transport Appellate Tribunal,
High Court Buildings, Chennai 600 104.

+ 1 cc to M/s.D.Baskar, Advocate Sr 35985

+ 1 cc to M/s.M.Palani, Advocate Sr 36497

KR/4/7/16

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