

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.15859, 15860 of 2013 & 15439 of 2013
&
M.P.Nos.1, 1 & 2 of 2013

W.P.Nos.15859 of 2013:

The Regional Transport Authority
Coimbatore North, Coimbatore. Petitioner

Vs.

1. Palanivel
2. Nila Mahalir Suyaudhavi Kuzhu
Sanganur Road, Kamarajapuram,
Coimbatore-6.
3. The Secretary
State Transport Appellate Tribunal
Chennai. Respondents

Prayer:Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records in relation to the order dated 11.03.2013 made in MV Application No.1/2013 on the file of the State Transport Appellate Tribunal, Chennai, the 3rd respondent herein and quash the same.

W.P.No.15860 of 2013:

The Regional Transport Authority
Coimbatore North, Coimbatore. Petitioner

Vs.

1. Nila Mahalir Suyaudhavi Kuzhu
Sanganur Road, Kamarajapuram,
Coimbatore-6.
2. Palanivel
3. The Secretary
State Transport Appellate Tribunal
Chennai. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records in relation to the order dated 11.03.2013 made in MV Application No.2/2013 on the file of the State Transport Appellate Tribunal, Chennai, the 3rd respondent herein and quash the same.

For Petitioner in : Mr.S.Diwakar,
both WPs. Special Government Pleader

For RR 1 & 2 in : Mr.K.Hariharan
both WPs.

W.P.No.15439 of 2013:

P.Palanivel ... Petitioner

Versus

1. The Regional Transport Authority
Coimbatore [North].
2. The State Transport Appellate Tribunal
High Court Campus, Chennai 600 104. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus directing the 1st respondent herein to implement the order of the 2nd respondent - the State Transport Appellate Tribunal, Madras made in Appeal No.1/2013 dated 11/03/2013 by transferring the Share Auto permit ownership of the vehicle No.TN-38-AS-0798 in the name of the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.S.Diwakar,
Special Government Pleader

COMMON ORDER

Heard Mr.S.Diwakar, learned Special Government Pleader appearing for the petitioner in WP.Nos.15859 & 15860/2013 and for the respondents in WP.No.15439/2013 and Mr.K.Hariharan, learned counsel for the respondents 1 and 2 in WP.Nos.15859 & 15860/2013 and for the petitioner in WP.No.15439/2013 and with their consent, the Writ Petition itself is taken up for final disposal.

2.These writ petitions have been filed challenging the impugned order passed by the State Transport Appellate Tribunal, Chennai, in Motor Vehicles Appeal Nos.1/2013 and 2/2013.

3.The appellant in M.V.Appeal No.1/2013 was Mr.P.Palanivelu, who has filed W.P.No.15439/2013 seeking for a direction upon the respondents to implement the order of the Tribunal. The other writ petitions have been filed by the Regional Transport Authority challenging the said order.

4.The first issue to be considered is as to whether the Regional Transport Authority could maintain the writ petitions filed by him, as his personal right has not been affected. That apart, he being a subordinate statutory authority under the scheme of the Motor Vehicles Act, it has to be seen as to whether such writ petitions are maintainable.

5.This issue is no longer res judicata and has been considered by the Hon'ble Division Bench of this Court in the case of The Secretary, Regional Transport Authority, Erode and another K.S.Senthilnathan in Writ Appeal Nos.867 & 868 of 2007 vide Judgment dated 06.01.2009, wherein the Hon'ble Division Bench after taking into consideration the earlier decisions of this Court in the cases of Regional Transport Authority V. State Transport Appellate Tribunal reported in AIR 1995 Mad 226 and The Regional Transport Authority, Namakkal Region V. The State Transport Appellate Tribunal, Madras and 3 others reported in 1994 WLR 316, has dismissed the appeal of the Regional Transport Officer.

6.In the light of the same, W.P.Nos.15859 and 15860 of 2013 are dismissed as not maintainable.

7.Consequently, there will be a direction to the Regional Transport Authority to implement the order of the Tribunal made in MV Appeal No.1/2013 dated 11.03.2013 within a period of six weeks from the date of receipt of a copy of this order.

8.The Writ Petition in W.P.No.15439/2013 is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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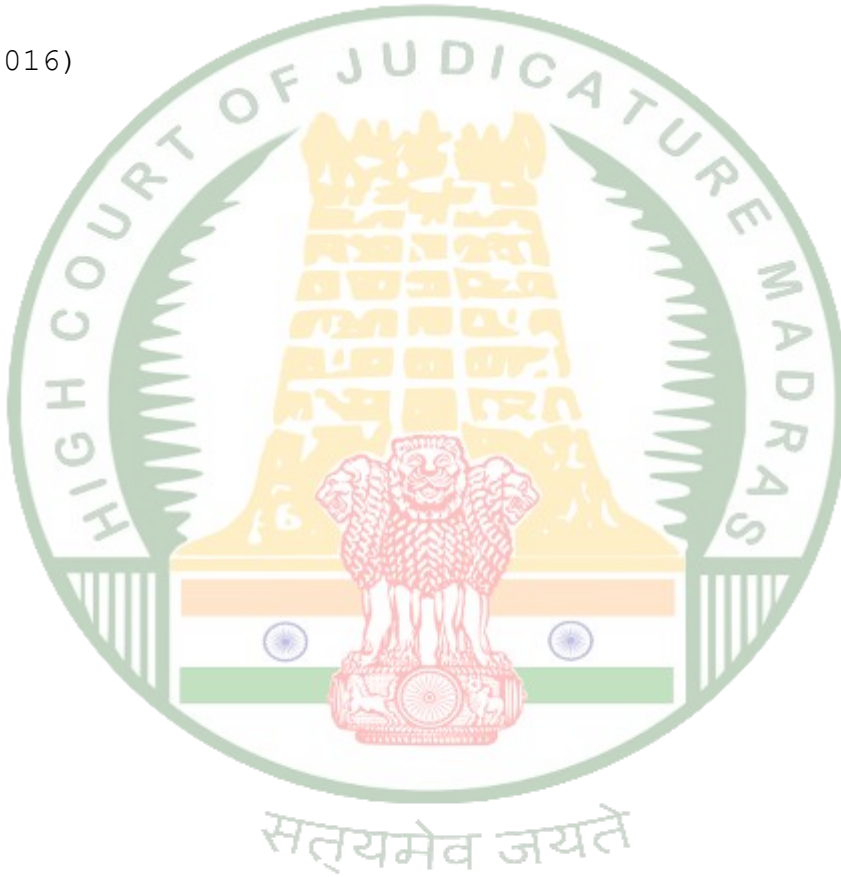
1. The Regional Transport Authority
Coimbatore [North].

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

+1cc to Mr.K.Hariharan, Advocate, S.R.No.38067
+1cc to the Government Pleader, S.R.No.37989

W.P.Nos.15859, 15860 & 15439 of 2013

GJ(CO)
CA(25/07/2016)



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