

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2139 OF 2017

AND

W.M.P No.2107 OF 2017

R.Rathnasamy

[PETITIONER]

Vs

The Regional Transport Officer-cum-
Registering Authority,
Tirupur North,
Tirupur-641 603.

[RESPONDENT]

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus to call for the records of the respondent made in his Se.Mu.Aa No.069178/A3.2016 dated 20.01.2017 quash the same and further directing the respondent herein to allow the replacement of the vehicle TN 33 N 0375 by KL 10 S 5001.

For Petitioner : Mr.T.Padmanabhan
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

The petitioner is aggrieved against the order passed by the respondent wherein his request for replacing the old vehicle bearing Registration No.TN 33 N 0375 by another vehicle bearing Registration No. KL 10 S 5001 was rejected by citing the reason that the vehicle sought to be replaced will not come under the purview of mini bus. Needless to say that these sort of factual aspect of the matter has to be gone into and decided by the appellate authority, who is also undoubtedly a fact finding authority. Therefore, I find that the petitioner should approach the appellate authority viz., the State Transport Appellate Tribunal, Chennai. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to file such appeal before the State Transport Appellate Tribunal within a period of two weeks from the date of receipt of a copy of this

order. If any such appeal is filed, the Appellate Tribunal shall consider the same on its own merits and in accordance with law within a period of six weeks from the date of receipt of the appeal. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

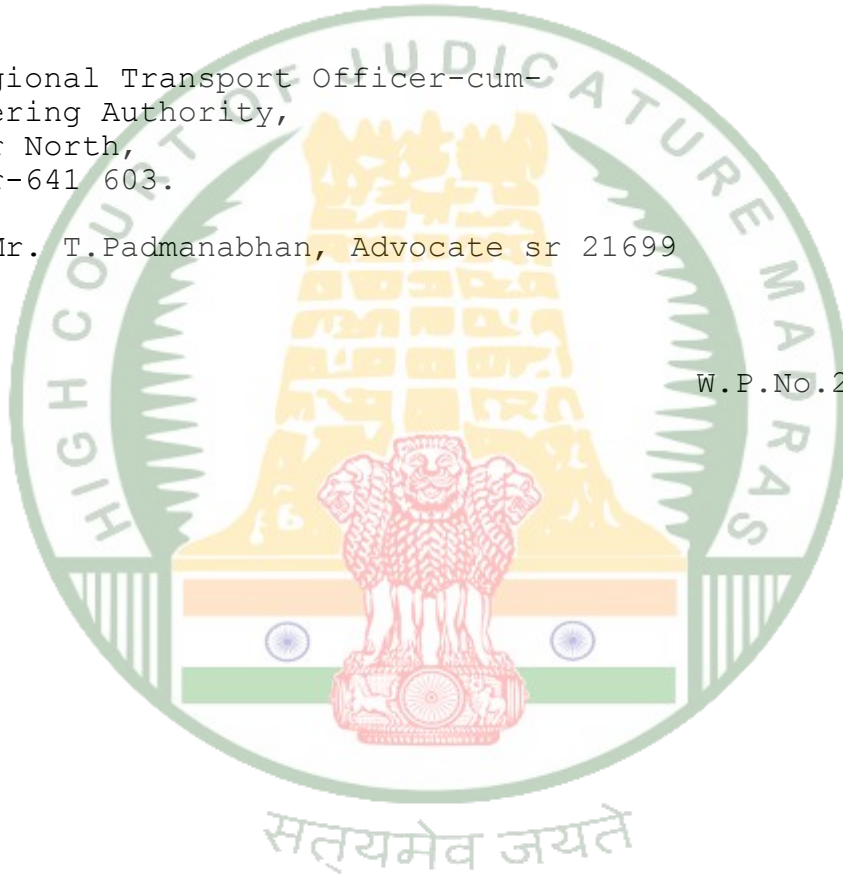
To

The Regional Transport Officer-cum-
Registering Authority,
Tirupur North,
Tirupur-641 603.

+1 CC to Mr. T.Padmanabhan, Advocate sr 21699

W.P.No.2139 of 2017

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