



WEB COPY



W.P.No.7450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7450 of 2023
and WMP No.7530 of 2023

The Regional Transport Officer
Pollachi Region
Coimbatore District.

... Petitioner

-Vs-

T.Mahalingam
Prop.Velmurugan Bus Service
100, Palladam Road
Pollachi
Coimbatore District 642002.

.. Respondent

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to M.V.Appeal No.13 of 2022 dated 16.08.2022 on the file of Presiding Officer, State Transport Appellate Tribunal, Cehnnai and quash the same as illegal, arbitrary and non-est in law.

For Petitioner Mr.C.Selvaraj
Additional Government Pleader

For Respondent Mr.Hariharan



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ORDER

This writ petition has been filed by the Regional Transport Officer, challenging the order passed by the State Transport Appellate Tribunal in M.V.Appeal No.13 of 2022, dated 16.08.2022.

2.When the matter was taken up for hearing, the learned counsel appearing on behalf of the petitioner questioned the very maintainability of the writ petition that has been filed by the Regional Transport Officer. The learned counsel also brought to the notice of this Court the judgment of the Division Bench in W.A.Nos.867 and 868 of 2007, dated 06.01.2009, wherein, the Division Bench has held that the Regional Transport Authority does not have the locus standi to maintain the writ petition as against the order passed by the State Transport Appellate Tribunal.

3.It is brought to the notice of this Court that the Transport Corporation viz., the Tamil Nadu State Transport Corporation, Coimbatore has independently challenged the order passed by the State Transport Appellate Tribunal.

4.In the considered view of this Court, the writ petition filed by the Regional Transport Officer is not maintainable in view of the Division Bench judgment referred supra. The above Division Bench judgment merely followed the earlier judgment of this Court in **Regional Transport Authority, Namakkal Region .v. State Transport Appellate Tribunal, Madras and three others** reported in **AIR 1995 Mad 226**. Hence, this writ petition has to



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be dismissed on the ground that it is not maintainable.

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5.In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

N.ANAND VENKATESH, J.



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