

Letter (Ms) No 1046

Dated: 23.08.2004

From

Tmt.Sheela Rani Chunkath,  
Secretary to Government.

TO

The Transport Commissioner,  
Chennai-5.(By name)

Sir,

Sub: Motor vehicles – Orders passed by State Transport Appellate Tribunal- Appeal to be filed by State Transport Authority / Regional Transport Authority- certain –instructions issued.

Ref: 1} Government Letter No Transport III/2003-5, Dated:11/9/2003.

2) Your Letter.No.12140/E2/03 dated:14/05/2003.

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With reference to your letter second cited, the opinion of Additional Advocate General, High court, Chennai on the feasibility of filing appeal by the Regional Transport Authority / State Transport Authority against the order of State Transport Appellate Tribunal has been sought for. After taking into account the verdict of Madras High Court, reported in 1994 (I) Law weekly Page (509) filed by the Regional Transport Authority, Namakkal Region, against the orders of State Transport Appellate Tribunal , Madras and 3 others, (copy enclosed) the additional Advocate General, High Court Madras has opined as follows:-

"The concept of the word "person aggrieved" to maintain a Writ petitions under Article 226 of the constitution has undergone enormous changes, in view of the various expositions of law in this regard as laid down by the Supreme Court and High Courts. I would suggest that a writ petition can be filed in appropriate case by the

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State Transport Authority / Regional Transport Authority ---- the orders of the State Transport Appellate Tribunal wherein a point can be urged that the orders passed by the High Court which is reported in 1994 Law weekly (509) requires reconsideration. Even if the Learned Single Judge after hearing dismisses the Writ Petition, following the earlier view, the Regional Transport Authority / State Transport Authority could file a Writ Appeal and urge before the Division Bench that the view expressed by the Learned Single Judge in the Judgment reported above requires to be overruled. Contentions can be urged by the State Transport Authority / Regional Transport Authority that they are in a position to administer the affairs relating to the plying of Motor Vehicles in the State and hence they should be allowed to agitate and question the orders passed by the State Transport Appellate Tribunal which are not in accordance with Law"

The Additional Advocate General is of the view that "the Regional Transport Authority / State Transport Authority could file a Writ Petition against an appropriate order passed by the State Transport Appellate Tribunal and have the legal position settled."

2. The Government have carefully examined the matter. They agree with the line of action suggested by the Additional Advocate General. I am therefore to request you to select a solid case, in which your orders were superseded by the State Transport Appellate Tribunal and arrange to file Writ Petition in High Court, challenging Tribunal's orders; it may be taken on appeal before the Division Bench, if single judge declines to interfere.

3. The receipt or the letter may be acknowledged.

Yours faithfully,  
for Secretary to Government

Copy to: All Regional Transport Authorities.  
All Regional Transport Officers.  
All Managing Directors of State Transport Undertakings.