

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.06.2018

CORUM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.31569 of 2002
and
WPMP No.46016 of 2002

1.Dr.S. Soundara Pandian
2.Dr.S, Siva Murugan
3.Dr.S. Ravi Subramaniam ... Petitioners

Vs.

1. The District Consumer Disputes Redressal
Forum Chennai (North)
No.212, R.K. Mutt Road, I Floor,
Mylapore, Chennai - 600 004
2. A. Babu Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the First Respondent relating to the order dated 07.06.2002 in C.M.P.No.42 of 2002 in O.P.No.530 of 1998 and quash the same.

For Petitioners : Mr.C. Seethapathy

For Respondents : No appearance

ORDER

The Writ Petition challenges the Order dated 07.06.2002 in C.M.P.No.42 of 2002 in O.P.No.530 of 1998 on the file of the District Consumer Disputes Redressal Forum, Chennai, the First Respondent herein.

2. When the matter was taken up for hearing, it was pointed out to the learned counsel for the Petitioner that the Hon'ble Supreme Court of India in CICILY KALLARACKAL vs VEHICLE FACTORY [(2012) 8 SCC 524] has held as follows:

" 9. While declining to interfere in the present special leave petition preferred against the order passed by the

High Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, we hereby make it clear that the orders of the Commission are incapable of being questioned under the writ jurisdiction of the High Court, as a statutory appeal in terms of Section 27-A(1)(c) lies to this Court. Therefore, we have no hesitation in issuing a direction of caution that it will not be a proper exercise of jurisdiction by the High Courts to entertain writ petitions against such orders of the Commission.

10. A copy of this order may be sent to the Registrars General of all the High Courts, for bringing the same to the notice of the Hon'ble the Chief Justices and Hon'ble Judges of the respective High Courts.

3. At that stage, the learned counsel appearing for the Petitioner sought to withdraw the Writ Petition with liberty to prefer a revision against the impugned order under Section 17(1)(b) of The Consumer Protection Act, 1986 before the State Consumer Disputes Redressal Commission and he has also made an endorsement to that effect.

4. Recording the same, the Writ Petition is dismissed as withdrawn with liberty to the Petitioner to prefer revision against the impugned order under Section 17(1)(b) of the Act before the State Consumer Disputes Redressal Commission. It is also made clear that while computing the period of limitation for filing such revision, the period from the date of filing of the Writ Petition till the date of issuance of the copy of this order shall be excluded. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sr

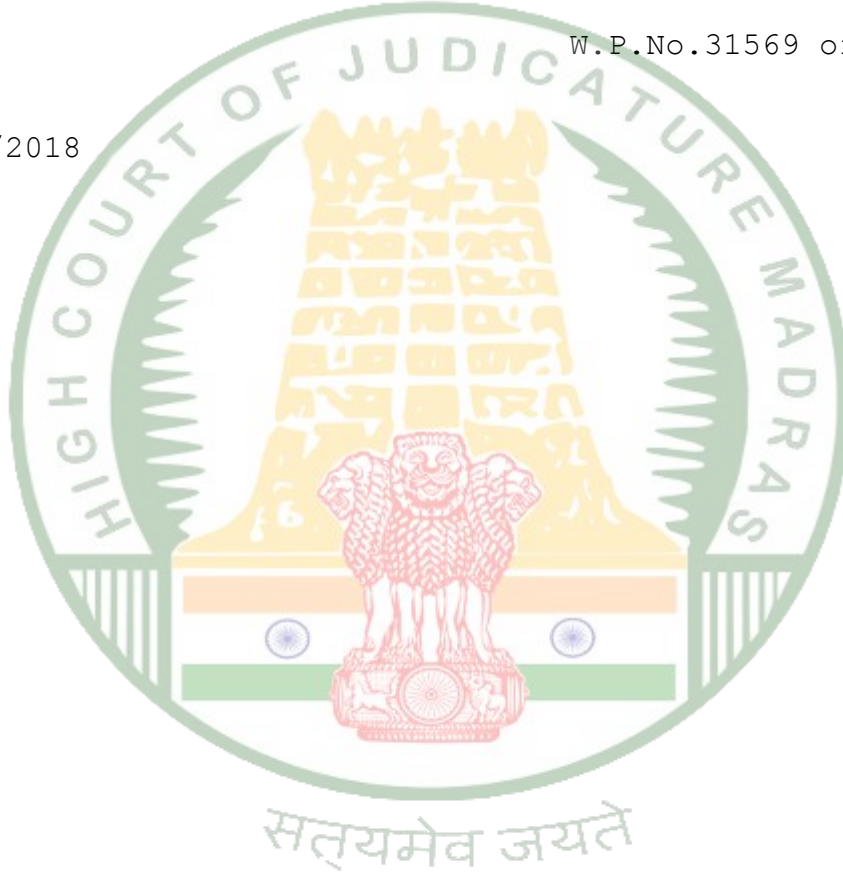
To

The District Consumer Disputes Redressal
Forum Chennai (North)
No.212, R.K. Mutt Road, I Floor,
Mylapore, Chennai - 600 004.

+lcc to Mr.C.Seethapathy, Advocate Sr.40252

W.P.No.31569 of 2002

srg 13/07/2018



WEB COPY