



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26285 & 26286 of 2004
and
W.M.P.Nos.31971 & 31972 of 2004

Minor M.Cibiraj rep. by
His mother & Guardian M.Jayanthi

...Petitioner in both W.Ps

Vs.

1.The State Transport Appellate Tribunal
Chennai 600 104

2.The District Collector cum
Regional Transport Authority
Salem District
Salem

3.R.Saraswathi

4.Sri Saraswathy Bus Service
rep. by its Partner
R.Bakkiam
No.68, Sampath Nagar
Erode

... Respondents in both W.Ps

Common Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 1st respondent in Appeal No.469/03 and Appeal No.182/04 dated 28.05.2004 confirming the order of the 2nd respondent dated 16.04.03 and April 2004 and quash the same.

For Petitioner in both W.Ps : Ms.P.T.Rama Devi

For Respondents in both W.Ps: Mrs.K.Bhuvaneshwari,
AGP for R2
Mr.M.Palani for R3



COMMON ORDER

These writ petitions have been filed by the petitioner under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 1st respondent in Appeal No.469/03 and Appeal No.182/04 dated 28.05.2004 confirming the order of the 2nd respondent dated 16.04.03 and April 2004 and quash the same.

2.The brief facts of the case is that the petitioner is the grand child of the permit holder. The permit holder transferred the permit in favour of the 4th respondent. As against the said transfer, the petitioner objected before the Regional Transport Authority. The Regional Transport Authority, rejected the objections of the petitioner on the ground that the suit filed by the petitioner is decreed in favour of the 3rd respondent. Aggrieved by the said decision, the petitioner instituted the suit against the 3rd respondent and the same was decreed in favour of the petitioner. As against the said decree, the 3rd respondent preferred an appeal in A.S.No.376 of 2008 before this Court. While the civil litigation is pending, the petitioner also preferred an appeal before the Appellate Tribunal. The Appellate Tribunal dismissed the said appeal, observing that it is subject to the result of the First Appeal. Aggrieved by the said decision of the Appellant Tribunal, the petitioner has filed the present writ petition.

3.In view of the admitted case of the petitioner that the Civil proceedings initiated by the petitioner is landed before this Court and the first appeal in A.S.No.376 of 2008 is also pending, this Court is not inclined to allow these writ petitions.

4.These writ petitions stand dismissed. The petitioner is granted liberty to work out the remedy in the manner known to law once the first appeal is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

kas



To.

1.The State Transport Appellate Tribunal
Chennai 600 104

2.The District Collector cum
Regional Transport Authority
Salem District
Salem

+1cc to Mr.M.Palani , Advocate SR.No. 51565

W.P.Nos.26285 & 26286 of 2004
and

W.M.P.Nos.31971 & 31972 of 2004

A.SK(31/07/2019)