

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9315 of 2010

Shamshud

... Petitioner

Vs.

1. The Regional Transport Authority
Krishnagiri.
2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
Chennai - 600 104.

D.P.Inayathullah Khan (Deceased)

- 3.K.Gopinath
- 4.D.P.Showkath Khan
- 5.Shakeela
- 6.Waheeda
- 7.Imthiyaz
- 8.Shanaaz
- 9.D.I.Fayaz Khan

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent herein made in R.No.34552/A2/05 dated 13.06.2005 as confirmed by the 2nd respondent herein made in Appeal No.494 of 2005 dated 13.10.2009 and to quash the same.

For Petitioner : Mr.C.R.Krishnamoorthy

For Respondents : Mrs.K.Bhuvaneswari for R1 and R2
Additional Government Pleader

Mr.R.Subramanian for R3
Senior Counsel
for M/s.S.Govindaraman

O R D E R

The writ petition has been filed seeking issuance of Writ of Certiorari calling for the records relating to the proceedings of the first respondent herein made in R.No.34552/A2/05 dated 13.06.2005 as confirmed by the second respondent herein made in Appeal No.494 of 2005 dated 13.10.2009 and to quash the same.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that originally transport permit was granted in favour of one Peerkan Saheb. After the death of the said Peerkan Saheb, by way of family arrangement the transport permit was transferred in favour of one Inayathullah Khan. Contrary to the family arrangement, the said Inayathullah Khan transferred the transport permit in favour of third respondent. The same was objected by the petitioner before the Transport Authority, however, the Transport Authority overruled the objection and confirmed the transfer of transport permit in favour of third respondent, against which, the present writ petition has been filed.

4.After the death of the original permit holder Peerkan Saheb, the transport permit was transferred in favour of one Inayathullah Khan. Subsequently, the transport permit was transferred in favour of third respondent. If at all there is any dispute, it is a private civil dispute and it should be agitated before the competent Civil Court.

5.At this juncture, the learned counsel appearing for the petitioner requests that liberty may be granted to the petitioner to work out her remedy before the competent Civil Court.

6.In view of the above, liberty is granted to the petitioner to work out her remedy before the competent Civil Court. The period of pendency of this writ petition before this Court shall be excluded for the purpose of limitation.

7.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Regional Transport Authority
Krishnagiri.

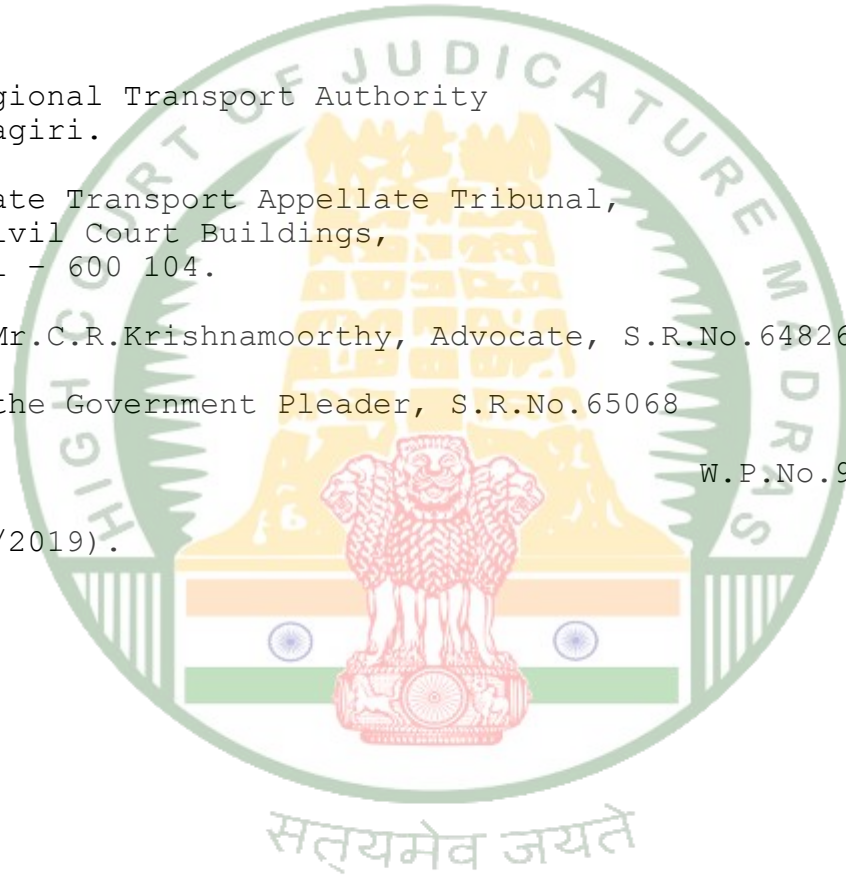
2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
Chennai - 600 104.

+1 cc to Mr.C.R.Krishnamoorthy, Advocate, S.R.No.64826

+1 cc to the Government Pleader, S.R.No.65068

W.P.No.9315 of 2010

BS (CO)
SSM(29/08/2019).



WEB COPY