

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WP No.28420 of 2019

and WMP.NO.28113/2019

K.M.ANBARASU

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE STATE TRANSPORT APPELLATE[RESPONDENTS IN BOTH THE PETITIONS]
TRIBUNAL, REP BY ITS CHAIRMAN HIGH
COURT CAMPUS CHENNAI-104

2 THE REGIONAL TRANSPORT AUTHORITY,
DHARMAPURI REGION
COLLECTORATE DHARMAPURI-5

3 K.M.INBASEKARAN

Writ Petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a Writ of Certiorari

(1) Calling for the records pertains to Appeal No 16/2019
passed by the 1st Respondent culminating in the order dated
12.9.2019 quash the same. and consequently direct the 2nd
Respondent to grant transfer of permit in favour of the Petitioner
in respect of stage carriage TN 45-AT-6124 and spare Bus vehicle No
TN 29-H-9255 granted permit to Ply on the route Kaveripattinam to
Hosur. (in WP.28420/2019) and;

(2) to grant an Interim stay of all further Proceedings of
the 1st Respondent order in Appeal No 16/2019 dated 12.9.2019 (in
WMP.28113/2019) pending disposal of the above WP.28420/2019
respectively.

Order : These petitions coming on for orders upon perusing
the petitions and the respective affidavits filed in support
thereof and upon hearing the arguments of M/S.R.S.VIJAYAPRASAD,
Advocate for the petitioner in both the petitions the court made
the following order:-

The order challenged in the Writ Petition has been passed by the State Transport Appellate Tribunal under Section 89 (2) of the Motor Vehicles Act, 1988. The Hon'ble Supreme Court of India in Life Insurance Corporation of India vs. Nandhini J. Shah [(2018) 15 SCC 356] has held that judicial order of Civil Court is not amenable to Writ of Certiorari under Article 226 of the Constitution of India, but the same could be impeached in proceedings under Article 227 of the Constitution of India before the Jurisdictional High Court.

2. In view of the aforesaid legal position, Registry is directed to de-register the Writ Petition and return the papers to the Learned Counsel for the Petitioner so as to enable them to re-submit the same as Civil Revision Petition under Article 227 of the Constitution of India with necessary requirements as per the rules within a period of 15 days from the date of collecting papers from the Registry.

-sd/-

13/01/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE STATE TRANSPORT APPELLATE
TRIBUNAL, REP BY ITS CHAIRMAN HIGH
COURT CAMPUS CHENNAI-104

2 THE REGIONAL TRANSPORT AUTHORITY,
DHARMAPURI REGION COLLECTORATE
DHARMAPURI-5

3 THE ASSISTANT REGISTRAR,
(AE) HIGH COURT, MADRAS 104.

C.C. to M/S.R.S.VIJAYAPRASAD Advocate on payment of necessary charges

Order
in

WP.28420/2019

and WMP.28113/2019

Date :13/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 06/02/2020 (IT)