

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

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

W.P. No. 29610 of 2019
and
W.M.P. No. 29508 of 2019

K.M. Inbasekaran

... Petitioner

-vs-

1. The State Transport Appellate Tribunal,
High Court Campus,
Chennai.

2. The Regional Transport Authority,
Dharmapuri Region,
Collectorate,
Dharmapuri - 5.

3. K.M. Anbarasu

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the First Respondent in M.V. Appeal No. 16/2019 dated 12.09.2019 in setting aside the order of the Second Respondent made in Proceedings in R. No. A3/44607/2016 dated 23.04.2019 and to quash the same.

For Petitioner : Mr. K. Hariharan

For Respondents: Mr. R. Venkatesh,
Government Advocate (R1 and R2)

Mr. T. Padmanabhan (for R3)

O R D E R

The order challenged in the Writ Petition has been passed by the State Transport Appellate Tribunal consisting of a judicial officer in the rank of District Judge 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 such judicial order would

not be 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 him 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.

3. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vjt

To

1. The State Transport Appellate Tribunal,
High Court Campus,
Chennai.
2. The Regional Transport Authority,
Dharmapuri Region,
Collectorate,
Dharmapuri - 5.

W.P. No. 29610 of 2019

GMV (07/05/2020)

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