



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Third day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESSAVALU

WP No.35783 of 2019

and WMP.Nos.36678 & 36680 of 2019

JAHABAR ALI

[PETITIONER IN BOTH THE
PETITIONS]

Vs

1 THE STATE TRANSPORT APPELLATE [RESPONDENTS IN BOTH THE
TRIBUNAL, AT PONDICHERRY, PONDICHERRY. PETITIONS]

2 THE ASSISTANT SECRETARY,
STATE TRANSPORT AUTHORITY, 100 FT ROAD
MUDALIARPET, PONDICHERRY.

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i)issue writ of certiorarified mandamus or any other writ order or direction in the nature of writ by calling for the records leading to the passing of the order passed by the 2nd respondent dated 22/12/2017 confirmed by the 1st respondent in Motor Vehicle Appeal No.3/2018 dated 23/08/2019 and quash the same and consequently direct the 1st respondent to grant the contract carriage permit to the petitioner. (in WP.No.35783/2019);

(ii)dispense with the production of the order passed by the 2nd respondent dated 22/12/2017(in WMP.No.36678/2019)and

(iii)direct the 2nd respondent to grant the contract contract carriage permit for the modified route to the petitioner,(in WMP.No.36680/2019) pending disposal of the above WP.No.35783/2019 respectively.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.TAMILVANAN, Advocate for the petitioner in both the petitions, the Court made the following order:-



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The order challenged in the Writ Petition has been passed by the Principal District Judge, Pondicherry as 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/-

03/01/2020

/ TRUE COPY /

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

TO

1 THE STATE TRANSPORT APPELLATE
TRIBUNAL, AT PONDICHERRY, PONDICHERRY.

2 THE ASSISTANT SECRETARY,
STATE TRANSPORT AUTHORITY, 100 FT ROAD
MUDALIARPET, PONDICHERRY.

3 THE PRINCIPAL DISTRICT JUDGE,
PONDICHERRY

C.C. to M/S.A.TAMILVANAN Advocate on payment of necessary
charges

Order

in

WP No.35783 of 2019

and WMP.Nos.36678 & 36680 of 2019

Date :03/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(13/01/2020)