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W.P. No. 33260 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

W.P. No. 33260 of 2007

P.Selva Singh

... Petitioner

-VS-

1. The Secretary,
State Transport Appellate Tribunal,
High Court Buildings,
Chennai - 600 104.

2. The Regional Transport Authority,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in R. No. 1486/2006 dated 28.06.2006, quash the same and consequently direct the First Respondent to take the Petitioner's appeal on file and pass orders in accordance with law.

For Petitioner : Mr. R.Subramoniam

For Respondents : Mr. T.Arunkumar,
Additional Government Pleader



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ORDER

Heard Mr. R.Subramoniam, Learned Counsel for the Petitioner and Mr. T.Arunkumar, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. 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.

3. In view of the aforesaid legal position, Registry is directed to de-register the Writ Petition and return the papers to the Petitioner so as to enable him to re-submit the same as Civil Revision Petition under Article 227 of the



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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.

4. The Writ Petition is disposed on the aforesaid terms. No costs.

18.10.2022

vjt

Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

1. The Secretary,
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2. The Regional Transport Authority,
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Tirunelveli District.



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P.D. AUDIKESAVALU, J.

vjt

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