



W.P. No. 2123 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

W.P. No. 2123 of 2019

and

W.M.P. No. 2377 of 2019

Mohamed Ali

... Petitioner

-VS-

1. The State Transport Appellate Tribunal,
Rep. by its Chairman,
High Court Campus,
Chennai – 600 104.
2. The Regional Transport Authority,
Nagapattinam District,
Nagapattinam.
3. The Regional Transport Officer,
Office of the Regional Transport Officer,
Nagapattinam.
4. The Motor Vehicle Inspector,
Office of the Regional Transport Officer,
Nagapattinam.
5. M.Murthy
6. M.Kanagarajan
7. R.Prabhakaran

... Respondent



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records culminating in the impugned common order dated 02.01.2019 in M.V. Appeal No. 156 of 2016 passed by the First Respondent and quash the same as illegal and devoid of merits.

For Petitioner : Mr. Gowtham Kumar

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader
(for R1 to R4)

No appearance (for R5 to R7)

ORDER

Heard Mr. Gowtham Kumar, Learned Counsel for the Petitioner and Mr. Yogesh Kannadasan, Learned Special Government Pleader appearing for the First to Fourth 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-*



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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 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.

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

14.10.2022

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Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

1. The State Transport Appellate Tribunal,
Rep. by its Chairman,
High Court Campus,
Chennai – 600 104.



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2. The Regional Transport Authority,
Nagapattinam District,
Nagapattinam.
3. The Regional Transport Officer,
Office of the Regional Transport Officer,
Nagapattinam.
4. The Motor Vehicle Inspector,
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Nagapattinam.



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P.D. AUDIKESAVALU, J.

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