



W.P. No. 21546 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

W.P. No. 21546 of 2011

and

M.P. No. 1 of 2011

Sri. Ishwarya Transports,
34-G, Rajammal Lay Out,
Ponnaiyarajapuram,
Coimbatore-1 address changed as

1/501, 3rd Cross, T.P.N. Gardens,
K.Chettipalayam,
Tirupur-641 608
Rep. by its parter,
V.Lakshmi Narayanan.

... Petitioner

-VS-

1. The Regional Transport Authority,
Coimbatore Region,
Coimbatore – 641 018.
2. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai – 600 104.
3. The Tamil Nadu State Transport Corp.Ltd.,
Mettupalayam Road,
Coimbatore – 641 037.

... 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



W.P. No. 21546 of 2011

records of the First Respondent made in R. No. 83231/C1.99 dated 11.01.2000 as confirmed in Appeal No. 75 of 2000 dated 24.09.2008 on the file of the Second Respondent herein relating to the non-grant of stage permit in to ply in Coimbatore Town Service, viz., Oppanakara Street-Vysial Street Junction to Marudamalai with trips between Oppanakara Street-Vysial Street Junction to Kanuvoi quash the same and direct to grant permit to the Petitioner.

For Petitioner : Mr. T.Padmanaban

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader
(for R1 & R2)

No appearance (for R3)

ORDER

Heard Mr. T.Padmanaban, Learned Counsel for the Petitioner and Mr. Yogesh Kannadasan, Learned Special Government Pleader appearing for the First and Second 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-*



W.P. No. 21546 of 2011

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.

18.10.2022

kv

Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

1. The Regional Transport Authority,
Coimbatore Region,
Coimbatore – 641 018.



W.P. No. 21546 of 2011

2. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai – 600 104.

3. The Tamil Nadu State Transport Corp. Ltd.,
Mettupalayam Road,
Coimbatore – 641 037.



WEB COPY



W.P. No. 21546 of 2011

P.D. AUDIKESAVALU, J.

kv

W.P. No. 21546 of 2011

18.10.2022