



W.P. No. 34114 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

W.P. No. 34114 of 2013

and

M.P. Nos. 1 of 2013 and 2 of 2014

P.Venkatachalam

... Petitioner

-VS-

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

2. The Regional Transport Authority,
Tirupur.

3. P.Palanisamy

... 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 with reference to its impugned order in M.V.R.P. No. 5 of 2013, dated 10.12.2013 and to quash the same and to confirm the order of the Second Respondent in Proceeding bearing Registration No. TN-31-U-4579 since replaced by TN-27-N-0272 to enter into Tirupur Old Bus Stand for picking up and setting down passengers.



W.P. No. 34114 of 2013

For Petitioner : No appearance

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

No appearance (for R3)

ORDER

Heard Mr. Yogesh Kannadasan, Learned Special Government Pleader appearing for the First and Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It had been brought to notice during the earlier hearing on 08.06.2022 that both the Counsel on record for the Petitioner have died. Though notice has been sent to the Petitioner, none appeared on his behalf till date.

3. 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



W.P. No. 34114 of 2013

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.

4. 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 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.

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

14.10.2022

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Index: Yes/No

Note: Issue order copy by 03.11.2022.

To

1. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai – 600 104.
2. The Regional Transport Authority,
Tirupur.



W.P. No. 34114 of 2013

Copy to

P. Venkatachalam,
S/o. Palaniappan,
No. 3B, Pudhuthottam,
Tiruppur.



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W.P. No. 34114 of 2013

P.D. AUDIKESAVALU, J.

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W.P. No. 34114 of 2013

14.10.2022