



WEB COPY



W.P.No.35920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.35920 of 2024 and
W.M.P.No.38796 of 2024

Prabhu Herbert Samuel(Civil Engineer)
Vs.

...Petitioner

R.Rajammal

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the order dated 14.06.2024 passed in Revision Petition No.570 of 2020 by the National Consumer Disputes Redressal Commission at New Delhi Confirming the order dated 20.12.2019 passed in F.A. No. 302 of 2015 on the file of State Consumer Dispute Redressal Commission, Chennai and order dated 23.09.2015 in C.C.No. 19 of 2012 on the District Consumer Disputes Redressal forum at Erode and quash the same as unjust, arbitrary unsustainable in eye of law.

For Petitioner

: Mr.A.Rithvik



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ORDER

This writ petition is filed challenging the order passed by the National

Consumer Disputes Redressal Commission, New Delhi dated 14.06.2024.

2. The Division Bench of this Court in the case of ***E.S.Sundara Mahalingam Vs Special Tribunal for Co-operative Cases(District Judge) and Others*** reported in ***MANU/TN/9686/2019=(2020) 1 MLJ 438*** has taken a view that whenever an order passed by a Tribunal is challenged, only revision under Article 227 of Constitution of India is maintainable and no writ petition will lie. The relevant portion of order passed by Division Bench reads as follows:-

“ 5. Applying the ratio of the decisions referred to above, in the present case, there is no doubt that the order was passed by the Special Tribunal Chaired by the learned District Judge and therefore, a writ petition under Article 226 of the Constitution could not have been maintained. The writ petition has, however, been dismissed. Thus, had the writ petition been allowed, an appeal would have been preferred and we could have set aside the judgment following the ratio as explained in the case of Vijayanand Puri Vs Deorani Devi and Another (supra). But the fact remains that the decision that was under challenge before the learned Single



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Judge was admittedly that of a Tribunal. The jurisdiction of this Court therefore which could be exercised was under Article 227 of the Constitution and the petition could have been treated to be that under Article 227 only. But the aforesaid issue does not appear to have been dealt with by the learned Single Judge. Since we are of the opinion on the facts of this case that the writ petition filed under any caption whatsoever, was against the order of the Tribunal, it is the learned Single Judge who could and should have treated the petition under Article 227 of the Constitution of India”

3. In the case on hand, the order under challenge was passed by National Consumer Disputes Redressal Commission, which is a Tribunal. Hence, as per the ratio in the case law cited above, only revision under Article 227 of Constitution of India is maintainable.



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4. Therefore, the writ petition filed by the petitioner is dismissed with liberty to file revision under Article 227 of Constitution of India. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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Note: Registry is directed to return the original impugned order to learned counsel for the petitioner.

S.SOUNTHAR, J.

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