



WEB COPY



W.P.No.2792 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.2792 of 2013

and

M.P.No.1 of 2013

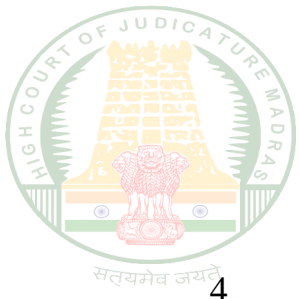
Knowledge Institute of Technology
Represented by its Authorised Signatory
KIOT Campus
Kakapalayam
Salem District – 637 504.

... Petitioner

VS.

1. The Government of India
Represented by its Secretary
Department of Road Transport and Highways
Ministry of Shipping, Road Transport and Highways
New Delhi.
2. National Highways Authority of India
Represented by its Chairman
G 5 & 6, Sector-10
Dwarka, New Delhi – 110 075.
3. The Project Director
National Highways Authority of India
212-3/D3-1, Sri Nagar Colony
Narasothipatti
Salem – 636 004.

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4. M.V.R. Infrastructure and Tollways Pvt. Ltd.,
M.V.R. Toll Plaza
Kottagoundampatty
Omalur Taluk
Salem District – 636 011.

5. Salem Tollways Limited
Vaikuntham Post
Valakkuttai, Sankari Taluk
Salem District – 637 103.

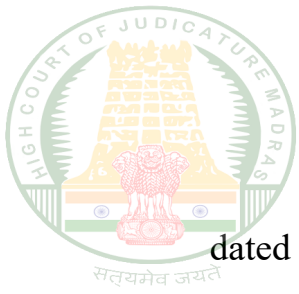
... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, declaring that the benefit of paragraph 7(b)(ii) of the Notification of the 1st respondent in S.O.1178(E) dated 08.05.2009 published in the Extraordinary issue of Part II, Section 3, Sub-Section (ii) of the Gazette of India No.720 dated 08.05.2009 is available to all the “Educational Institution Buses” as defined in Section 2(11) of the Motor Vehicles Act and not only for “School Buses”.

For Petitioner : Mr.Muthumani Doraisami
For Respondents : Mr.Su.Srinivasan,
Standing Counsel, for R1 to R3
Mr.J.Kannan, for R4
Mr.P.J.Rishikesh, for R5

ORDER

The petitioner has filed this writ petition seeking a declaration that paragraph 7(b)(ii) of the Notification of the 1st respondent in S.O.1178(E)



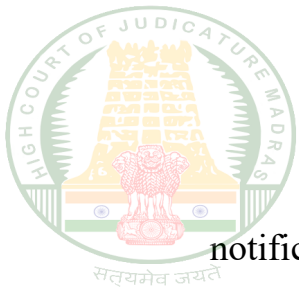
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dated 08.05.2009 published in the Extraordinary issue of Part II, Section 3, Sub-Section (ii) of the Gazette of India No.720 dated 08.05.2009 is applicable to all the “Educational Institution Buses” as defined in Section 2(11) of the Motor Vehicles Act and not only for “School Buses”.

2. The petitioner contends that, under the said notification, toll fee concession has been extended to buses operated by schools. According to the petitioner, the buses operated by the petitioner college are also entitled to the same concession, but the benefit has been denied.

3. The issue raised in the present writ petition is no longer *res integra*. An identical issue came up for consideration before a Division Bench of this Court in ***W.A.Nos.50 to 58 of 2013, by judgment dated 18.01.2024***, wherein the Division Bench, while referring to its earlier decision in ***Mahendra College of Engineering, Attur Main Road, Minnampalli, Salem and another v. Government of India in W.A. No.560 of 2014 etc. batch, dated 25.04.2014***, held that the notification grants a concession exclusively to school buses and that colleges cannot claim the benefit as a matter of right. The Division Bench further held that a school and a college are distinct institutions and, when the language of the

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notification is clear and unambiguous, the Court cannot enlarge its scope by interpretation.

4. In view of the authoritative pronouncement of the Division Bench, the relief sought by the petitioner cannot be granted. The issue stands concluded against the petitioner.

5. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

20.07.2026

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk



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WEB COPY *To*

1. The Government of India
Represented by its Secretary
Department of Road Transport and Highways
Ministry of Shipping, Road Transport and Highways
New Delhi.
2. National Highways Authority of India
Represented by its Chairman
G 5 & 6, Sector-10
Dwarka, New Delhi – 110 075.
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HEMANT CHANDANGOUDAR, J.,

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