



W.P.(MD) No.26000 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2026

CORAM:

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.26000 of 2025
and
W.M.P.(MD) No.20393 of 2025

AR.Jeyarhuthran

... Petitioner

-VS-

- 1.The National Highways
Authority of India (NHAI)
through its Chairman
New Delhi
- 2.The Union of India
through the Ministry of
Road Transport & Highways
New Delhi
- 3.The Tamil Nadu Road
Infrastructure Development
Corporation (TNRIDC)
through its Chairman
Chennai



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4.The State of Tamil Nadu
through its Secretary to Government
for the Transport and Highways
Departments of Tamil Nadu
Chennai-600 009

5.The District Collector
Collectorate Complex
Madurai, Madurai District

6.The Commissioner of Police
Alagar Kovil Main Road
Madurai City, Madurai

7.The Superintendent of Police
Surveyor Colony, Madurai
Madurai District

8.The Director
O/o.The Directorate of Town and
Country Planning (DTCP)
CMDA Office Complex
E&C Market Road
Virugambakkam
Koyambedu, Chennai-600 017

9.The Assistant Director
The District Town and Country
Planning (DTCP) Office
Koodalpudur, Madurai-625 017

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 3 to ensure proper maintenance, safety standards, and upgradation of the Kappalur-Uthangudi



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(Madurai Outer Ring Road) National Highways commensurate with the toll charges collected; and to ensure smooth, uninterrupted and hassle-free travel, to the toll-paying commuters and direct all the respondents to prohibit the conduct of political rallies, religious congregations, processions, cultural events, as well as the construction of marriage halls, community halls, commercial complexes, malls, or any similar establishments and further to revoke any permissions or licenses already granted for such establishments, which are situated abutting or in the immediate vicinity of the Kappalur-Uthangudi (Madurai Outer Ring Road) National Highways-areas that experience heavy vehicular movement and to ensure strict implementation of the provision that no arbitrary exemption is granted to political convoys or private individuals, except those expressly exempted under law.

For Petitioner : Mr.A.R.Jeya Rhuthran
Party-in-Person

For Respondents : Mr.Karthick
Standing Counsel for R1

Mr.K.Govindarajan
Deputy Solicitor General of India for R2

No appearance for R3



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Mr.S.P.Maharajan
Spl. Government Pleader for R4, R5, R8 & R9

Mr.T.Senthil Kumar
Additional Public Prosecutor for R6 & R7

O R D E R

[Order of the court was made by the HON'BLE CHIEF JUSTICE]

The petitioner, appearing in person, has filed this writ petition, styled as public interest litigation, seeking issuance of a writ of mandamus directing respondent Nos.1 and 3 to ensure proper maintenance, safety standards, and upgradation of the Kappalur-Uthangudi (Madurai Outer Ring Road) National Highways commensurate with the toll charges collected; and to ensure smooth, uninterrupted, and hassle-free travel, to the toll-paying commuters and direct all the respondents to prohibit the conduct of political rallies, religious congregations, processions, cultural events, as well as the construction of marriage halls, community halls, commercial complexes, malls, or any similar establishments, and further to revoke any permissions or licenses already granted for such establishments, which are situated abutting or in the immediate vicinity of the Kappalur-Uthangudi (Madurai Outer Ring Road) National Highways-areas that experience heavy vehicular



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movement and to ensure strict implementation of the provision that no arbitrary exemption is granted to political convoys or private individuals, except those expressly exempted under law.

2. Though petitioner seeks omnibus prayers by way of this public interest litigation, he restricts his challenge only to ensure proper maintenance, safety standards, and upgradation of the Kappalur-Uthangudi (Madurai Outer Ring Road) National Highways commensurate with the toll charges collected; and to ensure smooth, uninterrupted and hassle-free travel to the toll-paying commuters; and direct all the respondents to prohibit the conduct of political rallies, religious congregations, processions, cultural events and to ensure strict implementation of the provision that no arbitrary exemption is granted to political convoys or private individuals, except those expressly exempted under law.

3. Even as per the earlier order dated 19.9.2025, passed in this writ petition, the prayer is too wide, vague and unsubstantiated, except for the grievance pertaining to congestion in the toll plaza by various cars, which form part of convoys of persons who pass through the toll plaza, substantial



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number of whom do not pay the requisite fee. Therefore, on this specific aspect respondent Nos.1 and 3 were directed to file counter.

4. As per the counter affidavit filed by the first respondent, the Toll-Operate-Transfer (TOT) Concessionaire is responsible for maintaining the project highway and the Concessionaire has to carry out periodic preventive maintenance and routine works, including prompt repairs of potholes, cracks, joints, drains, embankments, structures, pavement markings, lighting, road signs, and other traffic control devices; as well as undertake major maintenance such as resurfacing of pavements, repair of structures, and refurbishment of tolling systems and associated equipment. It is further stated that the Concessionaire shall also, with the assistance of relevant law enforcement agencies, prevent unauthorized use and encroachments on the Project Highway, protect the environment by providing appropriate equipment and materials, and ensure the efficient operation and maintenance of all communication, control, and administrative systems. Furthermore, it is stated the Concessionaire is strictly complying with applicable safety requirements to maintain the Project Highway in a safe and serviceable condition.



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5. It is the categoric case of the third respondent that since most of the vehicles are installed with the FASTag RFID, the toll fee is automatically debited and credited. It is specifically averred that the Concessionaire, who is running the said toll plazas, does not exempt any vehicle except those vehicles which are exempted under Rule 11 of the National Highway Fee (Determination of Rates and Collection) Rules, 2008. In any event, it is asserted that since FASTag RFID is linked with the registration number of the vehicles, the employees of the toll plaza, debit the toll fee even after the passing of the vehicle, if the automated toll collection is not completed. In any event, if there is any financial loss, the aggrieved party is the concessionaire and not the government. Therefore, the grievance ventilated through this writ petition is misplaced.

6. We have heard learned counsel for the parties and perused the documents available on record.

7. At the outset, it is to be noted that the prayer sought in this writ petition is not supported by pleadings. The necessity for appropriate



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pleadings in sine qua non for maintaining a writ petition, in as much as such petitions are mainly decided on affidavit evidence and not witness action. On this proposition, it is propitious to refer to a decision of the Supreme Court in *Allahabad University v. Geetanjali Tiwari*¹, wherein after referring to a catena of earlier decisions, it was held thus:

"37. Based on the aforesaid authorities, we hold that **while deciding a writ petition on the basis of affidavits, the writ court's enquiry ought to be restricted to the case pleaded by the parties and the evidence that they have placed on record as part of the writ petition or the counter/reply affidavit, as the case may be. Findings of the court have to be based on the pleadings and the evidence produced before it by the parties.** It is well-nigh impermissible for the writ court to conjecture and surmise and make out a third case, not pleaded by the parties, based on arguments advanced in course of hearing."

[emphasis supplied]

8. In the case on hand, it is the specific case of the respondents, based on counter affidavits, that there is no violation of the procedure contemplated under law. That apart, the plea of the respondent authorities

¹ 2024 INSC 1003



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is that since FASTag RFID is linked with the registration number of the vehicles, the employees of the toll plaza debit the toll fee even after the passing of the vehicle, if the automated toll collection is not completed. Nothing has been placed on record by the petitioner to show that deduction under FASTag RFID has not been made from the vehicles alleged to have been passed through the toll plaza.

9. When the respondents on the basis of affidavits assert that there is no violation of any of the statutory provisions, this Court exercising jurisdiction under Article 226 of the Constitution of India cannot delve into such disputed questions of fact, solely based on pleadings unsubstantiated by evidence and it is not permissible for a court to arrive at a conclusion on a factual position merely on the basis of submissions made in the course of hearing.

10. That apart, the petitioner has not pointed out any specific violation in the affidavit, barring a general allegation that political convoys and/or private individuals are being granted exemption. This Court, as held by the Supreme Court, cannot go beyond the pleadings and has to restrict its



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findings only based on the pleadings and evidence produced before it.

11. For the foregoing reasons, the writ petition is dismissed. However, we make it clear that the respondent authorities shall take all effective steps to ensure that the toll plazas are maintained hassle-free and no exemption is granted to any individual or political party in violation of the law governing the subject.

There shall be no order as to costs. Consequently, interim application stands closed.

[SUSHRUT ARVIND DHARMADHIKARI, C.J.]

[N.SATHISH KUMAR, J.]

30.03.2026

NCC : Yes / No

Index : Yes / No

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Union of India,
New Delhi.
- 2.The Secretary to Government,
for the Transport and Highways,
Departments of Tamil Nadu,
State of Tamil Nadu,
Chennai-600 009.
- 3.The District Collector,
Collectorate Complex,
Madurai, Madurai District.
- 4.The Commissioner of Police,
Alagar Kovil Main Road,
Madurai City, Madurai.
- 5.The Superintendent of Police,
Surveyor Colony, Madurai,
Madurai District.
- 6.The Director,
O/o.The Directorate of Town and
Country Planning (DTCP),
CMDA Office Complex,
E&C Market Road,
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- 7.The Assistant Director ,
The District Town and Country
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