

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.27064 of 2014

EsselWalajahpet Poonamallee
Toll Road Private Limited,
Rep. By Authorised Signatory,
Mr.T.Kathiresan. ... Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. By Principal Secretary to Govt.,
Dept. Of Transport, Secretariat,
Fort ST. George, Chennai.
- 2.Metropolitan Transport Corporation,
(Chennai) Rep. By its Managing Director,
Pallavan House, Anna Salai,
Chennai- 600 002.
- 3.The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division, Salamedu,
Villupuram.
- 4.The Managing Director
Tamil Nadu State Transport Corporation
Salem Division, Salem.
- 5.The General Manager (CO)
National Highways Authority of India,
Ministry of Road Transport and Highways,
G-5 & 6 Sector 10, Dwarka,
New Delhi. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 2 3 and 4 to implement the directions given by the 5th respondent in its communication NHAI/11015/118/11/RO Chennai/2132 dated 27.6.2014 addressed to the 1st respondent and to consequently pay the arrears of Rs.1 35 61 277/- Rs.3 30 96 543/- and Rs.13 88 844/- respectively due to the petitioner on account of past dues towards Toll Fee and to also pay the Toll fees as per the 5th respondents notifications issued from time to time fixing the scale of rates.

For Petitioner : Mr.P.R.Raman
For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader for R-1
: Mr.M.Chidambaram for R-2
: Mr.P.Paramasivadosh for R-3
: Mr.R.K.Gandhi for R-4
: Mr.P.Wilson, A.S.G.
for M/s.P.Wilson Asso. For R-5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner / Concessionaire seeks directions against respondents 2 to 4 to comply with the rules, as laid down by the 5th respondent / NHAI towards payment of toll charges, as it is alleged that much amount has accumulated. The current dues, as per letters dated 09.01.2015 to respondents 2 to 4, are stated to be as under:

Unpaid Trips and Pending pass amount for Nemili, Sriperumbudur Toll Plaza, from respondent no: 2

Sl.No	Months	Unpaid Trips	Unpaid Amount considering as monthly pass	Total Unpaid amount as on 31 st December 2014
1	June 2013-July 2014	1,26,081	1,24,55,198	Rs.1,83,88,485
2	August 2014	10,770	11,06,079	
3	September 2014	11,194	11,49,624	
4	October 2014	12,591	12,93,096	
5	November 2014	12,343	12,67,626	
6	December 2014	10,875	11,16,863	

Unpaid Trips and Pending pass amount for Nemili, Sriperumbudur Toll Plaza, from respondent no: 3

Sl.No	TNSTC Regional office	Unpaid Trips June 2013 to 31 st Dec., 2014	Unpaid Amount considering as monthly pass	Total Unpaid amount as on 31 st December 2014
1	Vellore	47,513	47,86,809	Rs.2,12,44,992
2	Kanchipuram	1,02,742	1,03,03,014	
3	Tiruvannamalai	61,436	61,55,169	

Unpaid Trips and Pending pass amount for Chennasamudram, Walajapet Toll Plaza, from respondent no: 3

Sl.No	TNSTC Regional office	Unpaid Trips June 2013 to 31 st Dec., 2014	Unpaid Amount considering as monthly pass	Total Unpaid amount as on 31 st December 2014
1	Vellore	2,18,133	1,90,99,344	Rs.2,49,11,206
2	Kanchipuram	27,279	24,06,282	
3	Tiruvannamalai	38,973	34,05,580	

Unpaid Trips and Pending pass amount for Nemili, Sriperumbudur Toll Plaza, from respondent no: 4

Sl.No	TNSTC Regional office	Unpaid Trips June 2013 to 31 st Dec., 2014	Unpaid Amount considering as monthly pass	Total Unpaid amount as on 31 st December 2014
1	Dharmapuri	8,219	8,28,651	Rs.10,37,053
2	Salem	2,083	2,08,403	

Unpaid Trips and Pending pass amount for Chennasamudram, Walajapet Toll Plaza, from respondent no: 4

Sl.No	TNSTC Regional office	Unpaid Trips June 2013 to 31 st Dec., 2014	Unpaid Amount considering as monthly pass	Total Unpaid amount as on 31 st December 2014
1	Dharmapuri	10,642	9,43,825	Rs.10,56,264
2	Salem	1,333	1,12,439	

2.In the common order passed today in W.P.Nos.16218 and 21637 of 2013, we have already issued directions for the Government to clear the dues within six (6) weeks, failing which the plying of their buses can be stopped, as the problem of maintenance of roads is inter-linked to the failure of these State enterprises to pay the toll charges.

3.In view of the said directions, nothing survives in the present proceedings.

4.The Writ Petition stands disposed of with the direction to clear the amounts in terms of the order passed in W.P.Nos.16218 and 21637 of 2013.

5.List for compliance on 19.03.2015. The compliance report be filed three days before the next date of hearing.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Principal Secretary to Govt.,
State of Tamil Nadu
Dept. Of Transport, Secretariat,
Fort ST. George, Chennai.
 - 2.The Managing Director,
Metropolitan Transport Corporation,
(Chennai), Pallavan House, Anna Salai, Chennai.
 - 3.The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division, Salamedu,
Villupuram.
 - 4.The Managing Director
Tamil Nadu State Transport Corporation
Salem Division, Salem.
 - 5.The General Manager (CO)
National Highways Authority of India,
Ministry of Road Transport and Highways,
G-5 & 6 Sector 10, Dwarka,
New Delhi.
 6. The Section Officer, Writ Section, High Court, Madras.
(for posting the case on 19.03.2015)
- + 1 cc to Mr.M.Chidambaram, Advocate SR.5370
+ 1 cc to Mr.R.K. Gandhi, Advocate SR.5848
+ 1 cc to Mr.P. Paramasiva Doss, Advocate Sr.5882

W.P.No.27064 of 2014

BVR(CO)
Eu 10.02.15

सत्यमेव जयते

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