

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.38972 of 2015

Freedom Concept School,
Under Manickavasagam Education Trust,
Rep. by its Trustee, Mr.M.Thiruvurul.
Poigai, Vellore District - 632 114.

.. Petitioner

-vs-

1.Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.

2.National Highways Authority of India,
Rep. by its Chairman, G-5 & 6,
Sector-10, Dwarka,
New Delhi - 110 075.

3.Larsen & Toubro Krishnagiri Wallajahpet
Tollway Private Ltd., P.B.No.979,
Mount Poonamallee Road, Manapakkam,
Chennai -600 089.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare Rule 4 and 5 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008, as void and ultravires to the Scheme of National Highways Act of 1956.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mr.Su.Srinivasan,
Asst. Solicitor General for R-1
: Ms.G.Hema
for M/s.Wilson Associates for R-2

O R D E R

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

The petition has been filed devoid of any ground work. There is no ground made out whatsoever to challenge the constitutional validity of either the statutory provisions of the Act or the Rules. The petitioner also seeks to assail the notification dated 05.10.2010, but a bare reading of the representation at page 15 of the typed set shows there is no reason disclosed whatsoever except the inability to pay, which can hardly be a reason.

2.The petitioner will have to revisit the issue by making a proper representation as to why the petitioner is entitled to be charged at a lower rate. The representation should be made to the concerned authorities, as the representation has been made to the Toll Plaza.

3.We, thus, dismiss the petition with the aforesaid liberty. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sra

To

1.The Secretary,
Union of India,
Ministry of Road Transport and Highways,
New Delhi.

2.The Chairman,
National Highways Authority of India,
G-5 & 6, Sector-10, Dwarka,
New Delhi- 110 075.

+1 CC to M/s.Wilson Associates Advocate. SR.NO.66693
+1 CC to MR.R.Karunakaran Advocate. SR.NO.66546

W.P.No.38972 of 2015

CO-VD

JD 29/12/2015