

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3539 of 2014

and
MP.No.1 of 2014

N.Thiruvenkadam
President,
Tamil Nadu Pathirikaiyalar Sangam

... Petitioner

vs.

1.National Highways Authority of India,
rep. by its Chairman,
G5 & 6 Sector - 10,
Dwaraka, New Delhi.

2.The Project Director,
National Highways Authority of India,
Chennai Division,
St. Thomas Mount,
Chennai 600 016.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus forbearing the respondents 1 and 2 from in any manner collecting toll fees on National Highways within the State of Tamil Nadu, in the National Highways connecting Chennai City to all other Districts either directly or through their authorised agents, representatives, assignees, attorneys, servants from the members of the Tamil Nadu Pathrikaiyalar Sangam holding card with emblem and press batch and stickers affixed on their vehicles and direct the first respondent to grant total exemption from in any manner collecting the toll fees in the aforesaid highways toll gates.

For Petitioner : Mrs.P.Bagyalakshmi

For Respondents : Mr.Richardson Wilson for
M/s.P.Wilson Associates

ORDER

The petitioner has come up with the present writ petition for a mandamus, forbearing the respondents 1 and 2 from in any manner collecting toll fees on National Highways within the State of Tamil Nadu either directly or through their authorised agents from the members of the Tamil Nadu Pathrikaiyalar Sangam and consequently directing the first respondent to grant total exemption from in any manner collecting the toll fees in the Highways toll gates.

2. The case of the petitioner, as per the averments made in the writ petition, is as follows:

2.1 The petitioner is the President of Tamil Nadu Pathirikaiyalar Sangam, which is registered under the Trade Union Act 1926 with Registration No.2841/CNI. The Sangam is governed by its bye laws, memorandum and Articles of Association. The object of the Sangam is to look after the welfare of its members and to resolve the problems faced by its members with the public and the Government and also other legal issues.

2.2 The members and their representatives of the Sangam are qualified in journalism and they collect news from various parts of Tamil Nadu and publish the same through various newspapers and journals. During the course of such business, the members are constrained to travel from Chennai to Bangalore viz., Sriperumpudur, Kancheepuram, Vellore, Gudiyatham, Ambur and Krishnagiri and also from Chennai to Kanyakumari via Villupuram, Trichi and Madurai. They often travel in the NH4 and also GST Roads for collection of important news, particularly accidents, robbery, theft news on highways and on various other official duties and also for gathering news with regard to the public meetings held by various political parties, religious meetings etc. While travelling so, the representatives of the Sangam and the staffs are put to untold sufferings and they find it very difficult to pay the toll fees collected by the Highways authorities in the toll gates which is installed in almost every 70 km radius.

2.3 The toll fees are collected on the ground that two way roads are laid in a very good condition and drinking water facilities rest room facilities, medical care, emergency services, safety and security are also provided on the National Highways. However, none of the facilities are provided to the public. Further more, some of the private agents engaged by the National Highways Authority of India play fraud by collecting excessive amounts.

2.4 According to the petitioner, to redress the said grievances, the Government has to provide a separate toll free roads to the poor and down trodden persons, who are unable to pay the toll fees. In this regard, the petitioner made a representation dated 20.07.2013 to the respondents to stop collecting the excessive toll fees on the National Highways and to exempt the press representatives from the payment of the toll fees totally. As there was no response with regard to his request, he has come forward with the present writ petition for the above stated relief.

3. Denying the averments raised in the writ petition, a detailed counter affidavit has been filed by the respondents to the effect that toll fees are being collected in accordance with the National Highways Fee (Determination of Rates and Collection) Rules, 2008 and apart from the list of exempted vehicles under Rule 11, all other vehicles, which are using the project highway, will not be exempted from paying the user fee at user fee plazas.

4. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents and perused the materials placed before this court.

5. The prayer made by the petitioner, namely, forbearing the respondents 1 and 2 from in any manner collecting toll fees on National Highways within the State of Tamil Nadu either directly or through their authorised agents from the members of the Tamil Nadu Pathrikaiyalar Sangam and consequently directing the first respondent to grant total exemption to the petitioner Sangam from in any manner collecting the toll fees in the highways toll gates, cannot be granted, as the same is against the provisions of the statute. Therefore, the writ petition cannot be entertained by this Court.

6. At this juncture, learned counsel for the petitioner submitted that it would suffice, if a direction is granted to the respondents to dispose of the petitioner's representation dated 20.07.2013 within a time frame fixed by this court.

7. In view of the submission so made by the learned counsel for the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 20.07.2013, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

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Sub Asst. Registrar

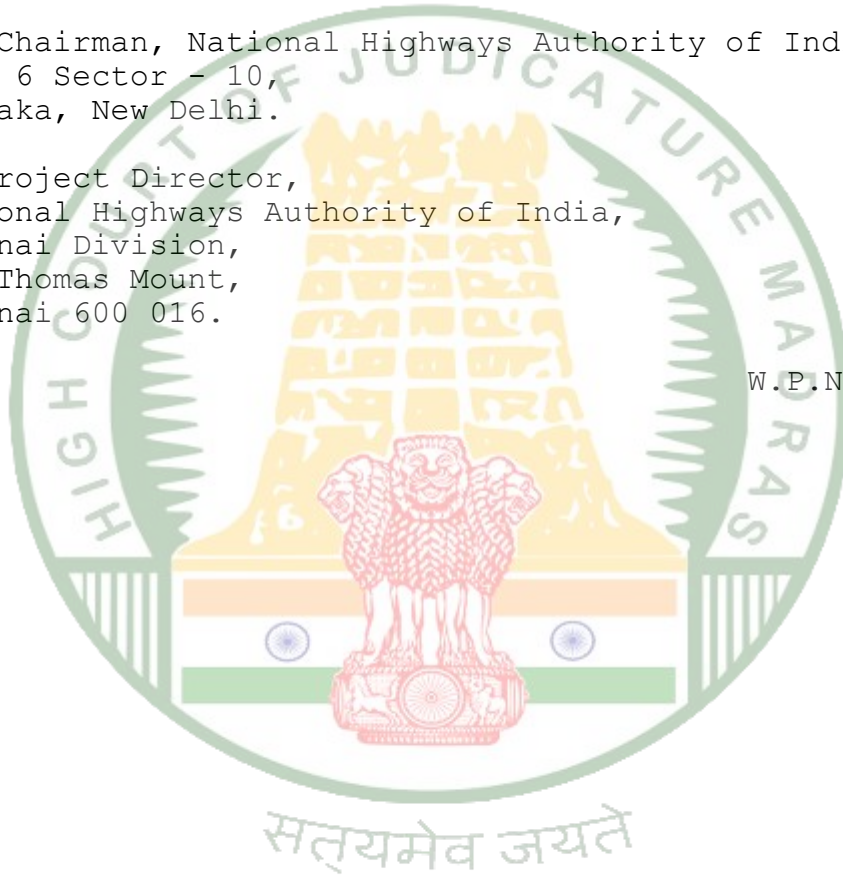
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To

1. The Chairman, National Highways Authority of India,
G5 & 6 Sector - 10,
Dwaraka, New Delhi.
- 2.The Project Director,
National Highways Authority of India,
Chennai Division,
St. Thomas Mount,
Chennai 600 016.

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MP (CO)
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