

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.7188 of 2013

and M.P.Nos.1&2 of 2013

M/s.Ragas Educational Society
Rep by its Secretary
Prof.A.Kanagaraj
2/102, East Coast Road,
Uthandi
Chennai 600 119.

... Petitioner

Vs

1 The Government of Tamil Nadu
Represented by its Secretary
Highways Department
Fort St.George
Chennai 9.

2 Tamil Nadu Road Development Company Ltd.,
Represented by its Managing Director
346, Pantheon Road, Egmore
Chennai - 8.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus, calling for records of the respondents and quash the impugned order dated 29.11.2012 vide No:TNRDC/419/2012, issued by the second respondent to the petitioner, and directing the respondents to exempt from levying toll for 50 vehicles by issuing 50 free passes of the petitioner's college for distribution of their staff and management as already existed.

For Petitioner : Mr.H.Mohammed Farood

For Respondents : Mr.V.S.Ramesh, Addl.Govt.Pleader for R1
Mr.M.Sivavarthan for R2

ORDER

The prayer in the writ petition is for issuance of writ of certiorarified Mandamus, calling for records of the respondents and quash the impugned order dated 29.11.2012 vide No:TNRDC/419/2012, issued by the second respondent to the petitioner, and directing the respondents to exempt from levying toll for 50 vehicles by issuing 50 free passes of the petitioner's college for distribution of their staff and management as already existed.

2. The petitioner has challenged the second respondent's order dated 29.11.2012, whereby the facility of exemption of payment of toll to the petitioners vehicles numbering 50 was withdrawn. The only ground raised in the writ petition, is that the petitioner was extended this benefit of exemption of toll in the year 2002, by way of 65 complimentary passes to the colleges and hospitals, was subsequently reduced to 50. However, it is seen from the correspondence of the respondents dated 11.07.2006 that these 50 free passes were given as a special case.

3. The petitioner's prayer is that the respondents have no right to cancel this free passes is not supported by any regulation and hence is not based on any legal right. The learned counsel for the petitioner also submitted that the respondents had extended this benefit of free passes to other institutions in the east coast road.

4. However the learned counsel for the respondent would submit that no such benefit was extended to any of the institutions in the east coast road.

5. The learned counsel for the petitioner also submitted that the impugned order is a non speaking order. As stated above, the petitioner has no legal right for making any claim for extending the benefits to them. In the absence of any legal right the question of a well considered order would not arise.

6. Under such circumstances, I do not find any merits in the present writ petition. Accordingly the writ petitions stand dismissed. However it is open to the petitioner to bring it to the notice of the respondents about extension of benefit of free passes to other educational institutions in the east coast road and whenever such a representation is made, the respondents shall pass orders on the same by considering such request for extending the same benefit to the petitioner also.

7. Accordingly the writ petition is dismissed. No costs.
Connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Govt.,
Highways Department
Fort St.George
Chennai 9.
- 2 The Managing Director
Tamil Nadu Road Development Company Ltd.,
346, Pantheon Road, Egmore
Chennai - 8.

+lcc to Mr.H. Mohammed Farook, Advocate, S.R.No.68040
+lcc to Mr.Sivavasthana, Advocate, S.R.No.67664
+lcc to the Government Pleader, S.R.No.68075

cnr(CO)
md(19/12/2016)

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