

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.06.2016

Coram:

The Honourable **Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE**

and

The Honourable Mr.Justice **R.MAHADEVAN**

W.P.No.27140 of 2013

Puzhal, Thandalkazhani, Redhills, Padinallur,
residents Welfare Association,
rep. by its Secretary,
No.489, GNT Road, Thandalkazhani
Chennai 600 066.

... Petitioner

Versus

1.The Union of India,
rep. by Secretary,
Ministry of Road Transport and Highways,
No.1, Parliament Street,
Transport Bhawan,
New Delhi 110 001.

2.National Highways Authority of India Ltd.,
Ministry of Road Transport and Highways,
G.5 & 6, Sector 10, Dwarka,
New Delhi 110 075.

3.The General Manager (Technical) and Project Director,
National Highways Authority of India Ltd.,
No.151-28, Butt Road, Near Kathipara Junction, St Thomas Mount,
Chennai 600 016.

4. The District Collector,
Tiruvallur District.

5.M/s.Larsen and Tubro Ltd.,
Chennai – TADA Tollway Private Ltd.,
Post Box No.979, Mount Poonamallee Road,
Manapakkam, Chennai 600089.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, forbearing the respondents, their men, agents, servants, subordinates or any other persons claiming through them or authorised by them from, in any manner, collecting the Toll fees from the local residents within a radius of 10 Kms from Toll Plaza at Km.22/0 on NH-5 at Padianallur and direct the respondents to shift the Toll Plaza away from Padianallur in Tiruvellore District.

For Petitioner ::: Mr.AR.L.Sundaresan

Senior Counsel for

Mr.AL.Gandhimathi

For Respondents ::: Mrs.Hema for R.1

Mr.P.Wilson

Senior Counsel for

for Wilson Associates for R.2 and R.3

Mrs.A.Sri Jayanthi

Special Government Pleader for R.4

Mrs. Preethi Mohan for R.5

ORDER

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

The grievance of the petitioner qua charging of Toll by the Concessionaires despite Clause 27.3 of the Concessionaire Agreement stipulating that no Toll will be charged from residents within the radius of Km 11/0 to 22/0, does not exist as that position is disputed by the second and third respondents in their counter affidavits. The submission of the learned counsel for the petitioner however is that practically speaking, the implementation is not taking place which is only feasible by a scheme to be framed in that behalf and passes provided to the local residents.

2. We are thus of the view the second and third respondents should look into this aspect to ensure that a proper scheme with passes comes into existence, so that the letter of the Concessionaire agreement is translated into reality.

3. This exercise be undertaken within a period of three months from the date of receipt of the order.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, M.P.No.1 of 2013 is closed.

(S.K.K.,CJ.) (R.M.D.,J.)

29.06.2016

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To

1.The Secretary,
Ministry of Road Transport and Highways,
No.1, Parliament Street, Transport Bhawan,
New Delhi 110 001.

2.National Highways Authority of India Ltd.,
Ministry of Road Transport and Highways,
G.5 & 6, Sector 10, Dwarka, New Delhi 110 075.

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Post Box No.979, Mount Poonamallee Road,
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The Hon'ble The Chief Justice
and
R.Mahadevan, J

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W.P.No.27140 of 2013

29.06.2016

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MP.No.2 of 2013
in
W.P.No.27140 of 2013

The Hon'ble Chief Justice
and
R.Mahadevan, J.

This application for amendment of cause title is ordered.

(S.K.K.,CJ) (R.M.D.,J.)
29.06.2016

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