



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22952 of 2016
and W.M.P.(MD).No.16424 of 2016

R.MUNIASAMY

... Petitioner

Vs.

- 1 THE SUPERINTENDEING ENGINEER (N.H)
NATIONAL HIGHWAYS DEPARTMENT, MADURAI,
MADURAI DISTRICT.
- 2 THE DIVISIONAL ENGINEER(N.H)
NATIONAL HIGH WAYS SIVAGANGAI.
- 3 THE ASSISTANT DIVISIONAL ENGINEER(N.H)
RAMANATHAPURAM
RAMANATHAPURAM DISTRICT.
- 4 THE ASSISTANT ENGINEER(N.H)
MANDAPAM, RAMANATHAPURAM.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to extend the agreement period for collecting Toll collection at Mandapam Toll Plaza for the further period of 39 days from 2.12.2016 in order to compensate the non Toll Collection Periods.

For Petitioner
For Respondents

: Mr.M.Saravanakumar
: Mr.V.Muruganandham
Addl. Government Pleader

ORDER

The petitioner has filed this Writ Petition, for a direction, directing the respondents to extend the agreement period for collecting Toll collection at Mandapam Toll Plaza for the further period of 39 days from 2.12.2016 in order to compensate the non Toll Collection Periods.

2.According to the petitioner, he has licence to collect Toll at Pamban Toll Plaza at Rameshwaram and license was granted for three years i.e from 30.11.2013 to 29.11.2016 vide agreement dated 29.11.2013. He has also paid the entire licence amount to the respondents. All of a sudden, based on the orders passed by the Central Government, the respondents directed the



petitioner not to collect the toll fee from 09.11.2016 to 02.12.2016. Even though there is no specific order passed by the respondents, they orally directed the petitioner not to collect the toll fee. In view of the oral direction given by the respondents, the petitioner has stopped to collect the toll fee from 09.11.2016 to 02.12.2016. In the above circumstances, the petitioner made a representation to the respondents with a request to proportionately extend the agreement period, for which, the petitioner did not collect the toll fee.

3.The learned counsel appearing for the petitioner would submit that in similar circumstances, earlier, the Government passed an order to stop the collection of toll fee from 02.12.2015 to 18.12.2015. Subsequently, the petitioner made a representation before the second respondent. The second respondent, requested the first respondent to consider the petitioner's representation and that was also not considered. Since the licence period is going to expire today i.e on 29.11.2016, the present writ petition has been filed.

4.Heard Mr.V.Muruganandham, learned Additional Government Pleader appearing for the respondents, who takes notice for the respondents, would submit that the representation of the petitioner would be considered by the respondents, within a time frame to be fixed by this Court.

5.Since the petitioner's representation regarding the extension of licence period proportionating the period, for which the petitioner was directed not to collect the toll fee, is pending with the respondents for a long period and the licence period is also going to expire on today i.e 29.11.2016 (midnight), the first respondent/Superintending Engineer (N.H), National Highways Department, Madurai is directed to consider the petitioner's representation, dated 25.11.2016 and pass suitable orders on or before 02.12.2016, after giving opportunity to the petitioner.

6.Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

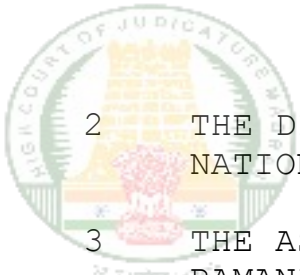
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Sub Assistant Registrar

vs

To

<https://hcservices.hcma.org.uk/portal/submit>
SUPERINTENDING ENGINEER (N.H)
NATIONAL HIGHWAYS DEPARTMENT, MADURAI,
MADURAI DISTRICT.



2 THE DIVISIONAL ENGINEER (N.H)
NATIONAL HIGHWAYS SIVAGANGAI.

3 THE ASSISTANT DIVISIONAL ENGINEER (N.H)
RAMANATHAPURAM
RAMANATHAPURAM DISTRICT.

4 THE ASSISTANT ENGINEER (N.H)
MANDAPAM, RAMANATHAPURAM.

+1cc to Mr.R.Subbaraj, Advocate Sr.No. **73581**

+1cc to Spl.Government Pleader Sr.No. 74005

JAM/29.11.16/SK-SKN/SAR 1/3P-7C

W.P (MD) No.22952 of 2016

29.11.16