

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
WP.No.209 of 2016
and
W.M.P.No.112 of 2016

K.S.R.Educational and Charitable Trust
represented by its Authorised Signatory,
K.S.R. Kalvi Nagar,
Kuchipalayam Post,
Tiruchengodu - 637 215. ..Petitioner
vs

- 1.The Government of India
represented by its Secretary,
Department of Road Transport and Highways,
Ministry of Shipping, Road Transport and Highways,
New Delhi.
2. National Highways Authority of India,
Rep. by its Chairman,
G 5 & 6, Sector - 10,
Dwaraka, New Delhi 110 075.
3. The Project Director,
National Highways Authority of India,
212-3/D3-1, Sri Nagar Colony,
Narasothipatti,
Salem 636 004.
4. Kumarapalayam Tollways Limited,
Kambuliyampatti,
Vijayamangalam Post, सत्यमेव जयते
Perundurai Taluk,
Erode District 638 056. ..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India petitioner prayed that this Court to issue a writ of declaration declaring that the benefit of Paragraph 5 (b)(ii) of the Notification of the first respondent in S.O.475 (E), dated 13.02.2009 is available to all the "educational institution bus" of the petitioner viz., TN-34/W-4752, TN-34/W-4772, etc. as defined in Section 2(11) of the Motor Vehicles Act and not only for "school buses".

For Petitioner : Mr. Muthumani Doraisamy

For Respondents : Mr.D.Ramesh Kumar, CGSC for R1
Mrs. S.R.Sumathy for R2 and R3
Mr. P.J.Rishikesh for R4

O R D E R

The Hon'ble Supreme Court of India has passed an order dated 25.04.2014 in W.A.Nos.560, 561, 563 and 564 of 2014, in respect of the similar issues raised in the present writ petition on hand.

The operative portion of the order of the Hon'ble Division Bench is extracted hereunder:

'5. We do not find any reason to entertain the writ appeals. The notification is very clear. When there is no ambiguity in the words/terms used by an authority, then the Court of law shall not venture to interpret the same in a different way. Admittedly, a School is different from a College. A School Student is also different from a College Student. A notification is only a concession given to the School Students. The appellant cannot seek the same as a matter of right. The power of judicial review in such matter of right. The power of judicial review in such matters is very limited. The learned Single Judge, has taken note of the law governing the issues raised, while passing the impugned order and we find no infirmity in the impugned order. We are, also of the view that the mere pendency of the writ appeal cannot be a ground to entertain a subsequent one.

6. In the result, we do not find any merit. The appeal is dismissed. No costs. The connected miscellaneous petitions are also dismissed.'

In view of the orders passed by the Hon'ble Division Bench, no further adjudication is required in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Department of Road Transport and Highways,
Ministry of Shipping, Road Transport and Highways,
New Delhi.
2. National Highways Authority of India,
Rep. by its Chairman,
G 5 & 6, Sector - 10,
Dwaraka, New Delhi 110 075.
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4. Kumarapalayam Tollways Limited,
Kambuliyampatti,
Vijayamangalam Post,
Perundurai Taluk,
Erode District 638 056.

+1cc to Mrs.S.R.Sumathy, Advocate SR.NO.55898
+1cc to Mr.D.Rameshkumar, Advocate SR.NO.55940
+1cc to Mr.P.J.Rishikesh, Advocate SR.NO.55923

SPD(CO)
sm:11.9.2018

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सत्यमेव जयते

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