IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4685 of 2019

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Sudhir Kumar Ojha @ Sudhir Kumar S/o Sri Krishnadeo Ojha Res. of Vill.- Lahladpur Patahi, P.S.- Muzaffarpur sadar, Distt.- Muzaffarpur.

... ... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi.
2. The Chairman National Highways Authority of India, New Delhi
3. The Project Director PIU National Highways Authority of India, 3rd Floor, Sharma Sadan, Opposite D.A.V. School, Khabra NH-28, Muzaffarpur.
4. The State of Bihar Through the Principal Secretary, Transport Department, Govt. of Bihar, Patna.
5. The District Magistrate Muzaffarpur, Distt.- Muzaffarpur.
6. The District Magistrate Vaishali at Hajipur, Distt.- Vaishali at Hajipur.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Singh, Adv.
For the Respondent/s	:	Mr. Anshay Bahadur Mathur, Adv.
For NHAI	:	Mr. S.N.Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 11-03-2019 Heard the parties.

The petitioner objects to collection of toll taxes on N.H.77 because according to him it is in bad shape.

We are not persuaded to put the respondents on notice on collection of toll tax for even if maintenance of roads is remotely connected with the taxes so collected, it cannot be reason for stay on the said collection. There is a distinction between a tax and a fee and even if some element of 'quid proquo' exists in case of fee charged, there is no mathematical formulae to be followed for its justification.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

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