

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1757 of 2010
and
M.P.Nos.1 and 2 of 2010

1.S.Fathima Jaya Mary
2.D.Solomon Francis

..Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Highways Department,
Fort St.George, Chennai - 9.
- 2.Tamil Nadu Road Development Co., Ltd.,
Rep.by its Managing Director,
Sindur Pantheon Plaza, II Floor,
246, Pantheon Road, Egmore,
Chennai - 8.
- 3.I.T.Express Way Ltd.,
125/126, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Perungudi, Chennai - 96.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of declaration, to declare the G.O.Ms.No.45 Highways (HW-1) dated 23.02.2005 with reference to Schedule mentioned there under fixing up the Toll fee from 01.07.2006 to 30.06.2030 is illegal and void and consequential order of the 2nd respondent in TNRDC/0524/09 dated 17.09.2009 is liable to be quashed and thereby grant exemption to the petitioners in respect of vehicles (1) TN-07 AV 9190 and (2) TN-07 AY 5353.

For Petitioner : Mr.M.Kempuraj
for Mr.D.Peter Francis

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader for R1
Mr.M.Sivavarthan for R2 & R3

O R D E R

Heard the learned counsel for the petitioners, the learned Additional Government Pleader for the first respondent, the learned counsel for the respondents 2 and 3 and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of declaration, to declare that G.O.Ms.No.45 Highways (HW-1) dated 23.02.2005, with reference to Schedule mentioned there under fixing up the Toll fee from 01.07.2006 to 30.06.2030 is illegal and void and consequently, to quash the order of the second respondent in TNRDC/0524/09 dated 17.09.2009, thereby granting exemption to the petitioners in respect of their vehicles (1) TN-07 AV 9190 and (2) TN-07 AY 5353.

3. Mr.M.Sivavarthanan, learned counsel appearing for the respondents 2 and 3 would submit that the collection of toll fee by the authority has been upheld by the Division Bench of this Court in a batch of writ petitions in W.P.Nos.29648 of 2008 etc., batch dated 15.07.2015. It is further submitted that if the petitioners are able to satisfy that they are the bona fide local residents of the project road (Old Mahabalipuram Road), the third respondent is ready to consider the same.

4. In the light of the above submission, this writ petition is disposed of, directing the petitioners to approach the third respondent with relevant documents to substantiate their stand that they are the local residents of project road (Old Mahabalipuram Road) and if the petitioners could able to satisfy the same, the third respondent shall consider the same and pass appropriate orders on merits and in accordance with law. No Costs. Connected miscellaneous petitions are closed.

ms

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
The Government of Tamil Nadu,
Highways Department,
Fort St.George, Chennai - 9.

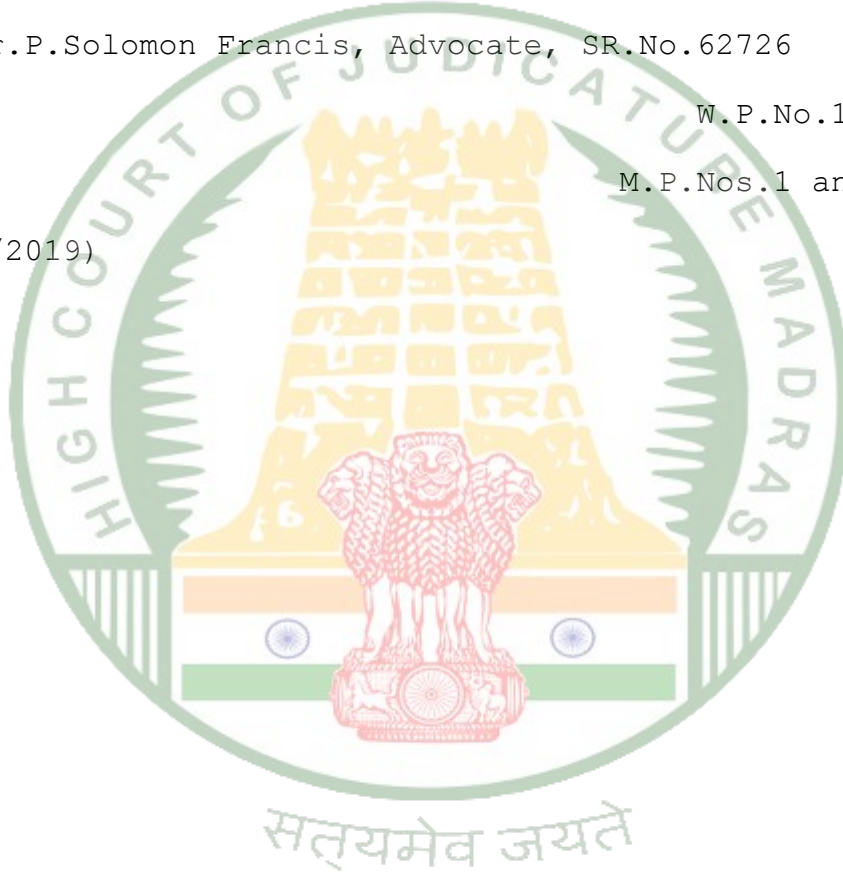
2.The Managing Director,
Tamil Nadu Road Development Co., Ltd.,
Sindur Pantheon Plaza, II Floor,
246, Pantheon Road, Egmore,
Chennai - 8.

3.I.T.Express Way Ltd.,
125/126, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Perungudi, Chennai - 96.

+1cc to Mr.P.Solomon Francis, Advocate, SR.No.62726

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Kak(16/09/2019)



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