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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.35984 OF 2015

AND

M.P.NO.1 OF 2015

Lorry Owners Association,
Poonamallee and Surrounding Area,
Thiruvallur District,
Rep. by its President G.Manokaran,
No.248, Muthu Nagar,
124, Melmannambedu,
Ponnamallee Taluk,
Chennai - 600 056.

... Petitioner

.Vs.

1. The Secretary to Government of Tamil Nadu,
Highways Department,
Fort St. George, Chennai.
2. The Chairman,
National Highways Authority of India,
3rd Floor, Sri Towers, DP-34,
SP Industrial Estate,
Guindy, Chennai - 600 032.
3. The District Collector,
Thiruvallur District,
Thiruvallur District.
4. The Chief General Manager-Cum-RO,
Transtroy Tirupathy Chennai Toolways,
Partraperumbudur-B, (Tool (N.H.205),
Thiruvallur District.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 3rd respondents to consider the representation of the petitioner dated 16.10.2015.



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For Petitioner : Mr.D.Muthukumarappa

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 and R3]

M/s.S.R.Sumathy
[For R2]

Mr.D.Muthukumar
For M/s.Paul and Paul
[For R4]

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider the representations submitted by the writ petitioner on 16.10.2015.

2. The learned counsel for the respondents raised an objection by stating that the petitioner have no locus standi to submit any such representation nor their claim can be considered.

3. Perusal of the representation 16.10.2015 would reveal that they made a request to stop collecting toll. The counter affidavit filed by the Nation Highways Authorities of India reveals that the toll fee has been collected by the concessionaire namely, Transtroy Tirupathi Tiruthani Chennai Tollway, who is the 4th respondent herein as per the Gazette Notification issued by Ministry of Road Transport and Highways, Government of India vide S.O. 2776(E) dated 28.10.2014. The averment of the petitioner is totally false. According to Gazette Notification, the rate validation for lorry shall be Rs.90/- for single journey and Rs.130/- for return journey in 2015. The petitioner's claim of paying Rs.40/- for multiple trips for a day is false and misleading. Copy of Gazette notification and rate of validation is filed by way of type set along with this counter. Further, the revision in the rate of toll fee had been implemented in accordance with the NHAI HQ letter no NHAI/13013/CO/15-16/GC-Chennai (Tirupathi-Thirutani-Chennai) BOT/64054 dated 27.03.2015 with effect from 01.04.2015. Hence, the allegation made by the petitioner is factually incorrect. The computation for the toll fees is based on the length of the toll highway. The user fee is collected based on the National Highways Fee (Determination of Rates and Collection) Rules 2008 notified U/s.9 of the National Highways Act 1956.



4. In view of the fact the the authorities have clarified the issues raised by the petitioners, no further relief needs to be considered. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kak/nti

To

1. The Secretary to Government of Tamil Nadu,
Highways Department,
Fort St. George, Chennai.
2. The Chairman,
National Highways Authority of India,
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SP Industrial Estate,
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Partraperumbudur-B, (Tool (N.H.205),
Thiruvallur District.

+1cc to M/s.Paul and Paul, Advocate, S.R.No.54537

+1cc to the Government Pleader, S.R.No.55407

W.P.NO.35984 OF 2015

NRJK(CO)
PBS/10/11/2021