



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P (MD) No.4961 of 2018

& WMP (MD) .4951 of 2018

RM.Arun Swaminathan

... Petitioner

Vs.

1.The Chairman,
National Highways Authority of India,
G - 5 & 6, Sector 10, Dwaraka,
New Delhi - 110 075.

2.The Project Director,
NHAI,
Plot No.3, Surya Towers, 2nd Floor,
1st East Street, K.K.Nagar,
Madurai.

3.The Manager,
Chittampatti Toll Plaza,
Chittampatti.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from collecting toll fee at Chittampatti toll plaza, NH-45B for the vehicles using SH-191 (Melur, Thiruppattur, Karaikudi, Pudukkottai etc) as the Gazette Notification vide S.O.1355 (E), dated 24.05.2013.

For Petitioner: Mr.RM.Arun Swamithan
Party-in-person

For RR 1 & 2 : Mr.C.Arul Vadivel @ Sekar

For R - 3 : No appearance



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.RM.Arun Swaminathan, the petitioner appearing in person and Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the respondents 1 and 2.

2. There is no representation for the third respondent.

3. This Writ Petition is filed by way of a Public Interest Litigation, seeks for a direction upon the respondents not to collect toll fee at Chittampatti toll plaza, NH-45B for the vehicles using SH-191 (Melur, Thiruppattur, Karaikudi, Pudukkottai etc) as the Gazette Notification vide S.O.1355 (E), dated 24.05.2013.

4. The petitioner, who is a practising Advocate before this Court, would submit that the vehicles which are proceeding towards Melur, Thiruppattur, Karaikudi, Pudukkottai do not pass through the entire stretch of toll road, which is closest to 92 kms and they take a right turn within less than 15 kms and they are compelled to pay toll at the rate of Rs.250/-. Therefore, it is submitted that appropriate adjustment should be made so that the road users are charged according to the distance travelled by them and not for the full distance.

5. Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the respondents 1 and 2 has referred to the counter-affidavit and the various statutory provisions, by which, the location of toll plaza is decided. In fact, the Division Bench of this Court had an occasion to consider the issues pertaining to the issue of toll plaza in W.P.No.29389 of 2010, dated 20.04.2015 (S.Joel Vs. the Secretary to Government of India and others) and in the said Writ Petition, though the prayer sought for was to shift the toll plaza, the Court analysed the legal issue as to the power of this Court under Article 226 of the Constitution of India to interfere with the location of a toll plaza are most incidental and connected therewith. The present issue is closely interlinked and intertwined with the location and collection of toll and therefore, the Court cannot substitute its opinion to the opinion of the authorities which has been taken in accordance with the relevant statute.

6. From the counter-affidavit, we find that concessional rate of toll is available for different categories of road users who are frequent users in the toll road and if any individual has to frequently travel through the toll road not the entire distance are given concession which is stated to be about Rs.285/- p.m.



Therefore, we are of the view that the blanket relief sought for by the writ petitioner in this Writ Petition filed by way of Public Interest Litigation, cannot be entertained. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is Closed.

WEB COPY

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Chairman,
National Highways Authority of India,
G - 5 & 6, Sector 10, Dwaraka,
New Delhi - 110 075.
- 2.The Project Director,
NHAI, Plot No.3, Surya Towers, 2nd Floor,
1st East Street, K.K.Nagar,
Madurai.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-15779[F] dated 15/04/2021)

**ORDER MADE IN
W.P(MD)No.4961 of 2018
09.04.2021**

na(CO)

TR(17.05.2021) 3P 4C