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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11808 of 2013
and
M.P.Nos.1 & 2 of 2013

Christian Educational Development Trust,
Represented by its Chairman Dr.AR.T.Arangannal,
1, Vallalar Street,
Rasipuram, Namakkal District - 637 408. ... Petitioner

Vs

1. The National Highways Authority of India,
Represented by its Chairman,
G 5&6, Sector-10,
Dwarka, New Delhi - 110 075.
2. The Project Director,
The National Highways Authority of India,
212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem - 636 004.
3. M.V.R.Infrastructure and Tollyways Private Limited,
M.V.R.Toll Plaza,
Kottagoundampatty,
Omalar Taluk, Salem District - 636 011. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents relating to the order of the third respondent in Letter No.MVR/BOT/TN02/377 dated 18.10.2012 and quash the same and direct the respondents herein to collect entry fees at toll plaza for the educational institution vehicles of the petitioner herein namely TN-28/AM-9178, TN-28/AK-3864, TN-28/AH-4765 and TN-28/AM-7279 on par with the entry fees for school buses carrying school students.

For Petitioner	:	Mr.Kandhan Duraisami
For Respondents	:	
For R1 & R2	:	Mr.Aditya Raja for M/s.P.Wilson Associates



ORDER

After hearing the learned counsel for the petitioner and the learned counsel for the first and second respondents, I am inclined to dismiss this Writ Petition in the light of the order passed by the Hon'ble First Bench of this Court in a batch of writ appeals in W.A.Nos.560, 561, 563 & 564 of 2014, dated 25.04.2014, against the order passed in several writ petitions.

2. The operative portion of the order reads as under:-

"As the issue involved in all these appeals is one and the same, and in view of the fact that the writ petitions have been disposed of by a common order, a common judgment is passed in these appeals.

2. A challenge was made by the appellant before the learned Single Judge against the Notification dated 13-01-2012, passed by the first respondent by which the exemption by way of granting discounted rates was only extended to School buses carrying school children and not to children who are studying in the Colleges or other Educational Institutions.

3. The Learned Single Judge after making reliance upon the earlier order passed, covering the very same issue, was pleased to dismiss the writ petitions. Challenging the same, the present writ appeals have been filed.

4. Mr.K.Duraisami, learned Senior Counsel appearing for the appellants submitted that as both the Colleges and Schools are imparting education, the exclusion of Colleges is bad in law. A College will have to be construed as a School and by doing so, the respondent will have to be directed to extend the benefits which has been given to the Schools. Similar issue is pending consideration before the Division Bench. Therefore, the writ appeals will have to be entertained.

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. The notification is only a concession



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given to the School Students. The appellant cannot seek the same as a 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."

3. Considering the above, nothing survives for adjudication in this Writ Petition. This Writ Petition is therefore dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Chairman,
The National Highways Authority of India,
G 5&6, Sector-10,
Dwarka, New Delhi - 110 075.
2. The Project Director,
The National Highways Authority of India,
212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem - 636 004.

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No.34631

+1cc to Mr.J.Kannan, Advocate, S.R.No.34966

+1cc to M/s.P.Wilson Associates, Advocate, S.R.No.35607

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BR(CO)
UMA(24/06/2022)