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W.P.No.17675 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.17675 of 2013

SALEM SOWDESWARI COLLEGE

Rep. by its Principal
S/o.P.Veerappa Pillai
Kondalampatti
Salem-10
Salem District

... Petitioner

Vs.

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

2.The Project Director
National Highways Authority of India
212-3/D3-1, Sri Nagar Colony
Narasothipatti
Salem 636 004

3.M.V.R.Infrastructure and -
Toll-ways Pvt. Ltd.,
M.V.R.Toll Plaza
Nottagoundampatty
Omalur Taluk
Salem District

... Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent herein in Letter No.MVR/BOT/TNO2/369 dated 18.10.2012 and quash the same as illegal and Direct the respondents to collect the TOLL FEE for each college bus Rs.1,000/- per month as like as mentioning in the National Highways Authority of India Notification dated 08.05.2009 in Para 7 (iii) in Page 11, monthly passes for school buses Rs.1,000/- per month.

For Petitioner : Mr.T.M.Ramalingam

For Respondents : Mr.S.V.Srinivasan for R1 & R2
Mr.J.Kannan for R3

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent herein in Letter No.MVR/BOT/TNO2/369 dated 18.10.2012 and quash the same as illegal and Direct the respondents to collect entry fee at TOLL PLAZA for each college bus Rs.1,000/- per month as like as mentioning in the National Highways Authority of India Notification dated 08.05.2009 in Para 7 (iii) in Page 11, monthly passes for school buses Rs.1,000/- per month.



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2.The learned counsel for the petitioner submitted that the respondents are not justified in discriminating between schools and colleges as both the categories are coming within the expression educational institutions. It was further argued that the nomenclature school will also include within its fold colleges as well, for the purpose of concession in toll fee.

3.The point raised by the petitioner is no longer res-integra. The said issue has already been decided by a Division Bench of this Court vide its order in Writ Appeal Nos.560, 561, 563 and 564 of 2014 dated 25.04.2014. The relevant portion of the Judgment is extracted hereunder;

“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 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



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learned Singe 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....”

4.Following the dictum laid down in the above order passed by the Division bench, this Writ Petition stands dismissed. No costs.

07.09.2022

kas

Index : yes / no

Internet : yes / no

Speaking / Non speaking order

To

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

2.The Project Director
National Highways Authority of India
212-3/D3-1, Sri Nagar Colony
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N.SATHISH KUMAR, J.

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