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Writ Petition Nos.23756 and 23757 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 8/9/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.23756 and 23757 of 2013

Sri Ganesh College of Arts & Science
rep. By its Authorised Signatory
Kamaraj Nagar Colony
Ammamet
Salem 636 014.

...

Petitioner in both the
writ petitions

Vs

1. National Highways Authority of India
rep. By its Chairman
G 5 & 6 Sector 10
Dwarka
New Delhi 110 075.

2. The Project Director
National Highways Authority of India
21-3/D3-1 Sri Nagar Colony
Narasothipatti
Salem 636 004.

3. M.V.R.Infrastructure and Tolways Pvt Ltd
M.V.R.Toll Plaza
Kottagoundampatty
Omalur Taluk
Salem District 636 011.

...

Respondents in W.P.No.
23756 of 2013

a n d



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1. The Government of India
rep. By its Secretary
Department of Road Transport and Highways
Ministry of Shipping, Road Transport and Highways
New Delhi.
2. National Highways Authority of India
rep. By its Chairman
G 5 & 6 Sector 10
Dwarka
New Delhi 110 075.
3. The Project Director
National Highways Authority of India
212-3/D3-1 Sri Nagar Colony
Narasothipatti
Salem 636 004.
4. M.V.R.Infrastructure and Tollways Pvt Ltd
M.V.R.Toll Plaza
Kottagoundampatty
Omalur Taluk
Salem District 636 011.

... Respondents in
W.P.No.23757 of 2013

PRAYER in W.P.No.23756 of 2013 : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondents relating to the order of the third respondent in Letter No.MVR/BOT/TN02/379 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-30-D-2889, TN-27-P-4884, TN-29-P-8899, TN-30-Y-9909, TN-



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59-V-7779, TN-34-B-3040, TN-46-B-6397, TN-30-H-7989, TN-30-E-9093, TN-34-C-7677, etc., on par with the entry fees for school buses carrying school students.

PRAYER in W.P.No.23757 of 2013 : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Declaration to declare the benefit of paragraph 7 (b) (ii) of the Notification of the first respondent in S.O.1178 (E) dated 8/5/2009 published in the Extraordinary Issue of Part II, Section 3, sub-Section (ii) of the Gazette of India No.720 dated 8/5/2009 is available to all the “educational institution buses” as defined in Section 2 (11) of the Motor Vehicles Act and not only for 'school buses'.

For Petitioner	...	Mr.Kandhan Duraisami
For respondents	...	M/s.P.Wilson & Associates for R.R.1 and 2. Mr.J.Kannan for R.3.

ORDER

Writ Petition No.23756 of 2013 has been filed to quash the order of the third respondent in Letter No.MVR/BOT/TN02/379 dated 18/10/2012 and direct the respondents herein to collect entry fees at toll plaza for the educational institution vehicles of the petitioner herein namely TN-30-D-2889, TN-27-P-4884, TN-29-P-8899, TN-30-Y-9909, TN-59-V-7779, TN-



34-B-3040, TN-46-B-6397, TN-30-H-7989, TN-30-E-9093, TN-34-C-7677, etc., on par with the entry fees for school buses carrying school students.

2. Writ Petition No.23757 of 2013 has been filed to declare the benefit of paragraph 7 (b) (ii) of the Notification of the first respondent in S.O.1178 (E) dated 8/5/2009 published in the Extraordinary Issue of Part II, Section 3, sub-Section (ii) of the Gazette of India No.720 dated 8/5/2009 is available to all the “educational institution buses” as defined in Section 2 (11) of the Motor Vehicles Act and not only for 'school buses'.

3. Heard Mr.Kandhan Duraisami, learned counsel for the petitioner, M/s.P.Wilson & Associates for the respondents 1 to 3 and Mr.J.Kannan, learned counsel for the fourth respondent in W.P.No.23757 of 2013.

4. It is the submission of the learned counsel for the petitioner that the discrimination sought to be made between the students of Schools and Colleges is wholly impermissible as both are educational institutions and the students in both the categories of educational institutions should be treated equally and any unequal treatment for the purpose of granting concession in toll plaza would be violative of the right of equality.



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5. Learned counsel appearing for the petitioner fairly brought to the notice of this Court, the judgment rendered by a Division Bench of this Court in Writ Appeal Nos.560, 561, 563 and 564 of 2014 dated 25.04.2014 which is against the petitioner. The relevant portion reads as follows:-

“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 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....”

N. SATHISH KUMAR, J

mvs.

6. Such view of the matter, as the issue has already been decided by the Division Bench of this Court, and the orders are also filed to that effect,



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nothing survives in these petitions for further adjudication. These Writ
Petitions stand dismissed accordingly. No costs.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

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