

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.NO.4144 OF 2013

AND

M.P.NO.2 OF 2013

Aarthi Educational and Charitable Trust,
Rep. by its Authorised Signatory,
47-C, Vavi Thottam,
Tiruchengodu - 637 211.

... Petitioner

.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,
212-3/D3-1, Sri Nagar Colony,
Narasothipatti,
Salem - 636 004.
3. Kumarapalayam Tollways Limited,
Kambuliyampatti,
Vijayamangalam Post,
Perundurai Taluk,
Erode District - 638 056.
4. Salem Tollways Limited,
Vaikuntham Post,
Valakkuttai, Sankari Taluk,
Salem District - 637 103.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a writ calling the records of the respondents relating to the order of the 3rd respondent in Letter No.KTL/NHAI/2012-001 dated

25.10.2012 and of the 4th respondent in Letter No.STL/Tollfee rev/2012-13/29 dated 13.10.2012 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-22/BH-2478, TN-34/J-3583, TN-34/J-3934 on par with the entry fees for school buses carrying school students.

For Petitioner : M/s.Muthumani Doraisami
For R1 & R2 : M/s.Sapna I Pillai
For M/s.P.Wilson Associates
For R3 & R4 : M/s.P.J.Rishikesh

O R D E R

The petitioner in this writ petition challenged the letter of 3rd respondent dated 25.10.2012 in Letter No.KTL/NHAI/2012-001, dated 25.10.2012 and the letter of 4th respondent dated 13.10.2012 in Letter No.STL/Tollfee rev/2012-13/29. By impugned letters, the respondent 3 and 4 wanted to confine the concessional toll rate of Rs.1000/- per month to school buses only and thereby wanted to exclude the vehicles carrying students and staff members of colleges.

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 fees.

3. The point raised by the petitioner is no longer res-integra. The said issue was already decided vide order passed in Writ Appeal Nos.560, 561, 563 and 564 of 2014 dated 25.04.2014. The relevant observation of the Division Bench is 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...."

4. Following the dictum laid down in the above order passed by the Division Bench, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.39688
+1cc to M/s.P.Wilson Associates, Advocate, S.R.No.40331
+1cc to the Government Pleader, S.R.No.39878

W.P.NO.4144 OF 2013

GPL(CO)
PBS/11/07/2022