



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction**

Thursday, the Third day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.SURESH KUMAR

**WP(MD) . Nos.15449,15465,15470,15474 of 2020 and 18440 of 2020,
and WP(MD)Nos.4252 , 4253, 4254, 8644, 8645, 8646 of 2010
18616,18617,18618,18619,18620, 18622 of 2013 4886,4887,4893 of 2014
and WP(MD)Nos.5118,5121 and WP(MD)No.6527 of 2021**

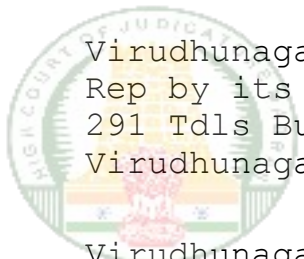
Madurai District Private Bus Owners Association
Rep. by its Secretary,
No.2, West Ponnagaram,
7th Street,
Madurai - 625 016. **... Petitioner in W.P.(MD).No.15449 of 2020**

Sivagangai District Private Bus Owners Association,
Rep. by its Secretary,
182, VOC Road,
Karaikudi - 630 001
**... Petitioner in WP(MD)Nos.15465 of 2020,
4252 of 2010, 18617, 18622 of 2013
and 4887 of 2014**

Pudukkottai District Bus Owners Association,
Rep. by its President,
26, College Road,
Pudukkottai - 622 001.
**... Petitioner in WP(MD)Nos.15470,
18440 of 2020, 4254, 8644 of 2010,
18616,18620 of 2013 and 4886 of 2014**

N.S.Balasubbaiah,
Proprietor, M/s. Karthikeyan Bus Service,
21, Big Chetty Street,
Woraiyur, Trichy - 620 003.
**... Petitioner in WP(MD)No.15474 of 2020,
8645, 8646 of 2010, 18618 of 2013**

Madurai District Private Bus Owners Association
Rep. by its Secretary,
153, North Veli Street,
Madurai -1.
**... Petitioner in WP(MD)Nos.4253 of 2010,
18619 of 2013, 5118 & 6527 of 2021**



Virudhunagar District Bus Owners Associaton,
Rep by its Secretary,
291 Tdls Building, Sathur Road,
Virudhunagar.



... **Petitioner in WP(MD)No.4893 of 2014**

Virudhunagar District Bus Owners Association,
Rep. by its Secraetary,
No.1/291, Pravin Sarvin Complex,
Collectorate Post,
Virudhunagar- 626 002

... **Petitioner in WP(MD)No.5121 of 2021**

-vs-

1. Union of India
Rep. by its Secretary
Ministry of Road, Transport and Highways,
New Delhi.
2. National Highways Authority of India
Ministry of Road Transport and Highways,
Rep. by its Secretary,
G5 & 6, Sector 10,
Dwaraka, New Delhi - 110 075.
3. The Project Director
National Highways Authority of India,
6/44, First Floor, Ponnagar, II Main Road,
Trichy - 620 001, Tamil Nadu.

...**Respondent in W.P. (MD) .No.15449, 15465,
15470 ,15474 & 18440 of 2020**

- 1.Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.
- 2.National Highways Authority of India,
Ministry of Road Transport and Highways
Rep. by its Secretary, New Delhi.
- 3.Project Director,
National Highways Authority of India
New No.6 (Old No.44) 1st Floor
Second Main Road, Pon Nagar,
Trichy - 001.

... **Respondent in WP(MD)Nos.4252 to 4254 of 2010,
& 18616 of 2013**

- 1.Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.
- 2.National Highways Authority of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary,
G5 & 6 Sector 10 Dwaraka, New Delhi-110 075.



3. Project Director,
National Highways Authority of India,
New No.6 (Old No.44) 1st Floor,
Second Main Road, Pon Nagar,
Trichy-620 001.



... Respondents in WP(MD) Nos.8644, 8645 of
2010, & 18622 of 2013

WILDCOPY

1. Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.

2. National Highways Authority of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary,
G5 & 6 Sector 10 Dwaraka,
New Delhi-110 075.

... Respondents in WP(MD) No.8646 of 2010

1. Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.

2. National Highways Authority of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary, New Delhi.

3. M/s. Eagle Trichy Bypass Toiletries India Pvt.Ltd.,
Flat No.M-2, Regency Garden Apartment,
Opposite to Ratandeeep, Ulhasnagar 421 002
Maharashtra.

... Respondents in WP(MD) Nos.18617, 18618, 18619,
& 18620 of 2013

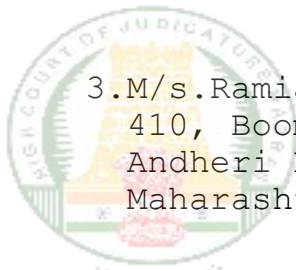
1. Union of India,
Rep. by its Joint Secretary,
Ministry of Road Transport and Highways , New Delhi.

2. National Highways Authority Of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary,
G5&6 Sector 10, Dwaraka,
New Delhi 110 075

... Respondents in WP(MD) No.4886 & 4887 of 2014

1. Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways ,
New Delhi.

2. National Highways Authority of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary, G5&6 Sector 10,
Dwaraka, New Delhi 110 075.



3.M/s.Ramia Toil Route Pvt. Ltd,
410, Boomerang, Chandival Farm Road,
Andheri East, Mumbai 400 072,
Maharashtra State.

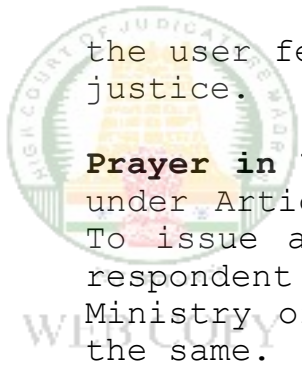
... Respondents in WP(MD)No.4893 of 2014

- 1.The Union of India,
Rep. by its Secretary,
Ministry of Road Trransport and Highways Department,
New Delhi.
- 2.The National Highways Authority of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary G5 and 6, Sector 10,
Dwaraka, New Delhi- 110075.
- 3.The Deputy General Manager-Cum-Project Director,
National Highway Authority of India,
Plot No.3, Surya Towers, Ii Floor,
1st East St., K.K.Nagar, Madurai- 625020.
- 4.Madurai Kanyakumari Tollway Ltd.,,
5th Floor, Ose Commercial Block,
Hotal Aloft, Asset 5b,
Aerocity Hospitality District,
New Delhi- 110 037

**... Respondents in WP(MD)Nos.5118, 5121 &
6527 of 2021**

Prayer in W.P.(MD).No.15449,15465,15470 and 15474 of 2020 : Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent made in Notification bearing S.O.No.2382(E), published in the Government of India Gazette, dated 05.07.2019 by the Ministry of Road Transport and Highways, New Delhi, for collection of the user fee in respect of section Trichy - Thuvarankurichi - Melur - Madurai, which forms part of NH45B and quash the same and direct the 1st and 2nd respondents to collect the user fee, as prescribed in the notifications in respect of similar 4 way lanes Chengalpet - Tindivanam, dated 26.03.2009, Ulundurpet - Padalur, dated 24.07.2009, Padalur to Trichy, dated 26.10.2009, which forms part of NH45 and Madurai - Aruppukottai, dated 16.06.2011 and Salem - Ulundurpet, dated 13.01.2012 on NH45B.

Prayer in WP(MD)No.18440 of 2020 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent made in the notification bearing S.O.No.2787(E), published in the Government of India Gazete, dt.25.08.2017, by the Ministry of Road Transport and Highways, New Delhi, for collection of the user fee in respect of Section from Thanjavur to Manamadurai (Via) Gandharvakottai, Pudukottai, Thirumayam, Kilasevalpatti, Tirupattur, Madagupatti and Sivaganga, which forms part of NH 226 and quash the same and direct the 1st and 2nd respondents to collect



the user fee by granting multiple concession per day and thus render justice.

Prayer in WP(MD)Nos.4252 to 4254 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI calling for the records of the 1st respondent made in the notification bearing No.S.O.No.3040(E) Ministry of Road Transport and Highways dated 27.11.2009 and quash the same.

Prayer in WP(MD)Nos.8644 & 8645 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, calling for the records of the 1st Respondent made in the notification bearing No.S.O.No.12(E) Ministry of Road Transport and Highways dated 05-01-2010 and quash the same.

Prayer in WP(MD)No.8646 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF DECLARATION, declaring that the rule 9(2) of National Highways Fee (Determination of Rates and Collection) Fees Rules 2008 is ultra vires, unconstitutional and void ab initio.

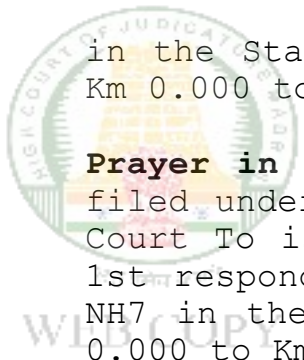
Prayer in WP(MD)No.18616 of 2013 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records of the 1st respondent made in the notification bearing No. S.O.No.409(E) Ministry of Road Transport and Highways dated 13.03.2012 and quash the same and thus render justice.

Prayer in WP(MD)Nos.18617, 18618, 18619 and 18620 of 2013 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records of the 1st respondent made in SO NO.1355(E) dated 24.05.2013 in respect of the stretch from km 0.000 to 125.000 & 125.840 in WP (MD).No. 18619/2013,18620/2013 (Trichy-Melur-Madurai section on NH 45B in the state of Tamil Nadu and quash the same.

Prayer in WP(MD)No.18622 of 2013 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records of the 1st respondent made in the notification bearing No.S.O.No.455(E) Ministry of Road Transport and Highways dated 16.03.2012 and quash the same

Prayer in WP(MD)Nos.4886 & 4887 of 2014 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records of the 1st respondent made in SO.No.3518(E) dated 26.11.2013 in respect of NH 210 in the State of Tamil Nadu on the section Trichy to Karaikudi and quash the same

Prayer in WP(MD)No.4893 of 2014 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records of the 1st respondent made in SO.No.2606(E) dated 26.08.2013 in respect of NH 7



in the State of Tamil Nadu (Madurai-Kanyakumari section) r to
Km 0.000 to km 231.60 and quash the same.



Prayer in WP(MD)Nos.5118, 5121 & 6527 of 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records of the 1st respondent made in S.O.No.2606(E) dt. 26.08.2013 in respect of NH7 in the State of Tamil Nadu (Madurai-Kanniyakumari Section) Km 0.000 to Km 231.60 and quash the same.

ORDER:- These Writ Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Palani Advocate for the Petitioner (in all Wps) and

For 1st Respondent : Mr.R.Sankaranarayanan
Additional Solicitor General
assisted by Mr.S.Sivakumar
Standing Counsel
in WP(MD)Nos.15449, 15465, 15470,15474 of 2020

: Mr.R.Sankaranarayanan
Additional Solicitor General
assisted by Mr.V.Malaiyendran Central Govt
Standing Counsel **in WP(MD)No.18440 of 2020**

: Mr.P.Paulpandi
**in WP(MD)Nos.4252 to 4254/10, 4886, 4887/14
and 5118/21**

: Mr.R.Murugappan
in WP(MD)No.8644 to 8646/10

: Mr.S.Paramasivam, Standing Counsel
in WP(MD)Nos.18616 to 18620 & 18622/13

: Mr.S.Jeyasingh,Central Govt Standing Counsel
in WP(MD)No.4893/14

: Mr.Thiruppathi, Standing Counsel
in WP(MD)No.5121/21

: Mr.D.Poornachari, Standing Counsel
in WP(MD)No.6527/21

For 2nd Respondent : Mr.C.Arul Vadivel @ Sekar,
Standing Counsel
**in WP(MD)Nos.8646/10, 18617 to 18620/13
4886, 4887, 4893/14 & 18440/2020**



For 2nd & 3rd Respondents

: Mr.C.Arul Vadivel @ Sekar,
Standing Counsel
in WP(MD)No.15449, 15465, 15470, 15474/21 ,
18448/2020, 4252 to 4254, 8644 & 8645/10,
18616, 18622, 4886, 5118, 5121 & 6527/21



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For 3rd Respondent : Mr.M.Ramasamy,
in WP(MD) Nos.18617 to 18620/13
No Appearance
in WP(MD)No.4893/14

This Court made the following order:

This batch of cases are listed today at the instance of the learned counsel appearing for the National Highways Authority of India, who is the contesting respondent in all these cases "For Clarification".

2. Mr.C.Arul Vadivel @ Sekar, learned Standing counsel appearing for NHAI wants a clarification with regard to the direction given by this Court in Paragraph No.118(iii) of the order, dated 06.07.2022.

3. I have gone through the said portion of the order and I am of the view that, no further clarification is required and the order made in Paragraph No.118(iii) can be read along with Paragraph No.119, that will suffice to take the orders passed by this Court. Hence, no further clarification is required, except to state the aforestated.

Sd/-

Assistant Registrar (CS II)

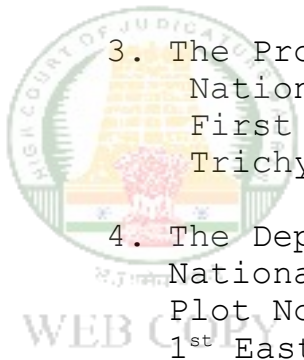
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/11/2022

Sub Assistant Registrar(CS)

TO

1. The Secretary
Union of India
Ministry of Road
Transport and Highways New Delhi.
2. The Secretary,
National Highways Authority Of India
Ministry of Road Transport and Highways
G5 and 6 Sector 10
Dwaraka New Delhi -110 075.



3. The Project Director,
Nation Highway Authority of India 6/44
First Floor Ponnagar II Main Road
Trichy - 620 001 Tamil Nadu.

4. The Deputy General Manager - Cum- Project Director,
National Highway Authority of India,
Plot No.3, Surya Towers, II Floor,
1st East Street, K.K.Nagar, Madurai - 625 020

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

+ 1 CC to Mr.C.Arul Vadivel @ Sekar Sr.52783 of 2022

+ 1 CC to Mr.C.Sasikumar Advocate SR.No.53251 of 2022

ORDER DATED : 03/11/2022

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ORDER
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WP(MD). No.15449 of 2020
etc.,

Giving direction and etc.
as stated within.

MGJ(15.11.2022) 8P 8C