



W.P.No.2472 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2472 of 2020

P.Saravanan

.. Petitioner

VS

1.Union of India,
rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delh-110 001.

2.National Highways Authority of India,
rep. by its Chairman,
G5 & 6, Sector 10,
Dwarka, New Delhi-110 075.

3.Member (Finance),
National Highways Authority of India,
G5 & 6, Sector 10,
Dwarka, New Delhi-110 075.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India
seeking issuance of a writ of certiorarified mandamus calling for the



W.P.No.2472 of 2020

records pertaining to the Impugned Circular issued by the third respondent in Ref.No.NHAI/13013/CO/2019-20/197464 dated 15.01.2020 and quash the same and consequently direct the respondents to permit the discount provided under Rule 9 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 to the users of the Highway who pay the user fee by cash.

For the Petitioner : Mr.A.Mohamed Ismail

For the Respondents : Mr.V.Chandrasekaran
SPC
for respondent No.1

: Mr.Su.Srinivasan
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.A.Mohamed Ismail, learned counsel for the petitioner; Mr.V.Chandrasekaran, learned SPC for respondent No.1; and, Mr.Su.Srinivasan, learned counsel for respondents 2 and 3.



W.P.No.2472 of 2020

WEB COPY

2. The petitioner challenges the circular dated 15.1.2020, wherein the benefit of concession from the toll or user charge is restricted to the vehicles possessing FASTag.

3. It is submitted that, subsequently, on 24.8.2020, the Rules are also amended.

4. In view of the above, the impugned circular now would lose its efficacy.

5. At this juncture, learned counsel for the petitioner submits that the petitioner may challenge the amended Rules.

6. The aggrieved party can always challenge the amended Rules, as may be permissible under law.

7. With these observations, the writ petition is disposed



W.P.No.2472 of 2020

of. There shall be no order as to costs. Consequently, 2875
and 2876 of 2020 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

02.01.2024

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

- 1.The Secretary,
Union of India,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delh-110 001.
- 2.National Highways Authority of India,
rep. by its Chairman,
G5 & 6, Sector 10,
Dwarka, New Delhi-110 075.
- 3.Member (Finance),
National Highways Authority of India,
G5 & 6, Sector 10,
Dwarka, New Delhi-110 075.



WEB COPY



W.P.No.2472 of 2020

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.2472 of 2020

02.01.2024