



W.P(MD)No.14168 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.05.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.14168 of 2026

and

W.M.P(MD)Nos.10578 & 10579 of 2026

Libin Ponnuswamy Leela

... Petitioner

Vs.

1.The National Highways Authority of India (NHAI),
Represented by its Chairman,
No.G5 and 6, Sector 10,
Dwarka, New Delhi - 110 075.

2.The Regional Officer,
National Highways Authority of India (NHAI),
Madurai Region, No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani,
Madurai District.

3.The State of Tamil Nadu,
Represented by its Secretary,
Department of Transport,
Fort St.George,
Chennai - 600 009.



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4.The Transport Commissioner,
Commissioner of Transport Ezhilagam,
Chepauk, Chennai - 600 005.

5.The District Collector cum Regional Transport Authority,
Kanyakumari District at Nagercoil
Kanyakumari District.

6.The Superintendent of Police,
Nagercoil - 629 001,
Kanyakumari District.

7.The Regional Transport Officer,
Marthandam at Mulagumoodu,
Kanyakumari District,
The Regional Transport Officer Nagercoil,
Kanyakumari District.

8.The Divisional Engineer,
State Highways,
Railway Feeder Road, Kottar,
Nagercoil,
Kanyakumari District - 629 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 10.04.2026 passed by the fifth respondent vide his proceeding No.231/Pu.Ma.Su/2025 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi
Senior Counsel
for Mr.K.Althaf Sheriff

For Respondents : Mr.T.Amjad Khan
Government Advocate



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ORDER

This writ petition has been filed challenging the order passed by the fifth respondent dated 10.04.2026, whereby the operation of trucks carrying mining materials through Kanyakumari District has been restricted till the completion of the Kaliakkavilai to Kanyakumari National Highway expansion work (NH-47 from 43.000 kms to 96.714 kms).

2.The petitioner is operating 14-wheel and 18-wheel trucks with national permits. The petitioner had purchased the said trucks under hypothecation agreements by availing loans. The petitioner has been transporting construction materials such as cement, steel, rough stones, jelly stones, sand, M-sand, bricks, and chamber materials in and around Kanyakumari District and also to the State of Kerala with valid transit permits.

3.While so, the fourth respondent passed an order dated 20.07.2023 restricting the movement of mineral-laden heavy vehicles exceeding 10 wheels on all roads in Kanyakumari District from the neighboring Districts of Tenkasi, Tirunelveli and Thoothukudi. The said



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order was challenged by the Kanyakumari District Tipper Lorry Owners Association before this Court in W.P.(MD)No.18388 of 2023. This Court, by order dated 28.07.2023, directed the petitioner to submit a representation before the authorities expressing their difficulties regarding the restriction based solely on the number of wheels, upon which the authorities were directed to consider the same and pass appropriate orders within a period of two weeks.

4.Pursuant to the said representation, the fifth respondent, by order dated 31.08.2023, rejected the request. The same was challenged before this Court in W.P.(MD)No.29464 of 2023 and connected batch cases, in which an interim stay was granted on 20.12.2023. However, the main writ petitions are still pending adjudication. Once again, by the impugned order dated 10.04.2026, the fifth respondent imposed restrictions on the operation of trucks carrying mining materials through Kanyakumari District.

5.The learned Senior Counsel appearing for the petitioner submitted that the fifth respondent has no jurisdiction to impose such a



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blanket restriction without following the procedures contemplated under the Motor Vehicles Act, 1988 and the Tamil Nadu Motor Vehicles Rules, 1989. According to the learned Senior Counsel, such restriction is contrary to law. Chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) deals with the “Control of Traffic.” As per Section 112 of the Act, only the State Government or an authority authorized by the State Government may impose speed limits. Therefore, the impugned restriction amounts to a clear violation of Article 19(1)(g) of the Constitution of India.

6.In support of his contention, the learned Senior Counsel appearing for the petitioner relied upon the judgment of the Hon’ble Division Bench of the Patna High Court in ***Bihar Truck Owners Association vs. State of Bihar and Others***, reported in ***(2022) 3 BLJ 240 (PHC)***.

7.The learned Government Advocate appearing on behalf of the respondents, on instructions, submitted that though this Court granted an interim order in the earlier proceedings, the writ petitions have not yet



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been finally disposed of. Further, an accident occurred on 09.04.2026.

Therefore, the fifth respondent conducted a meeting, obtained reports from the various concerned authorities, and thereafter passed orders restricting the operation of trucks carrying minor minerals. It is further submitted that the movement of such vehicles causes considerable inconvenience and disturbance to other commuters. Therefore, in order to prevent accidents and avoid inconvenience to other road users, the fifth respondent passed the impugned order.

8.Heard the learned senior counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

9.The fifth respondent passed the order dated 10.04.2026 restricting the operation of trucks carrying minor minerals through Kanyakumari District till the completion of Kaliakkavilai to Kanyakumari National Highway expansion work (NH-47 from 43.000 kms to 96.714 kms).



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10.The only point for consideration in this writ petition is whether the fifth respondent has the jurisdiction to pass such an order imposing a complete ban.

11.The State Government traces the source of such power under the Motor Vehicles Act, 1988. Section 115 of the Act speaks about the power to restrict the use of vehicles. Significantly, Section 113 of the Act enables the State Government to prescribe conditions for the issuance of permits for transport vehicles by the State or Regional Transport Authorities. It may also prohibit the use of such vehicles in any area or route. However, insofar as the provisions of Chapter VIII of the Act are concerned, they do not in any way deal with the prohibition, restriction, or regulation of any specified “goods” transported through a motor vehicle. In fact, Chapter VIII deals with the control of traffic and also enables the State Government to frame rules, as contemplated under Section 138 of the Act, in the interest of road safety and regulation of traffic activities.

12.The Hon’ble Supreme Court of India, in *State of Himachal*



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Pradesh and Another v. Umed Ram Sharma and Others, reported in

(1986) 2 SCC 68, held that Article 21, read conjointly with Article 19(1)

(d), guarantees the right to move freely throughout the territory of India and, therefore, access to roads is integral to the right to life itself. Denial of that right would amount to denial of life as understood in its richness and fullness under the ambit of the Constitution.

13. Therefore, the total restriction imposed by the fifth respondent affects not only the State Highways but also the National Highways, which the State does not have the power to regulate. Further, the order impugned in this writ petition is also in contravention of Section 35 of the Control of National Highways (Land and Traffic) Act, 2002 (hereinafter referred to as the “Traffic Act”). The object of the Traffic Act is to empower the Central Government to prevent or remove encroachments on lands forming part of National Highways, restrict access to them from adjacent lands, and regulate the movement of any category of vehicles or animals on National Highways. The Act specifically deals with the power to restrict the use of vehicles and empowers the Highway Administration to impose prohibitions or restrictions on the use of



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National Highways.

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14.A reading of the objects and reasons of the said Act, as well as the provisions contained therein, makes it clear that the power to restrict the movement of vehicles on National Highways rests solely with the Central Government. Therefore, the impugned order in the present writ petition encroaches upon powers vested with another authority.

15.It is relevant to extract the provisions under Section 35 of the Control of National Highways (Land and Traffic) Act, 2002, which read as follows:

“35.Power to restrict the use of vehicles.—If the Highway Administration is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge so to do, it may, by notification in the Official Gazette, prohibit or restrict, subject to such exceptions or conditions as may be specified in the notification, the use of any Highway or part thereof by a class or classes of traffic either generally or on specified occasion or time as specified in the notification and when such prohibition or restriction is imposed, the Highway



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Administration shall cause such traffic signs to be placed or erected at suitable places for the convenience of the traffic as may be prescribed:

Provided that where any prohibition or restriction under this section is to be remained for a period of one month or less, such prohibition or restriction may be imposed without issuing notification in the Official Gazette:

Provided further that the prohibition or restriction imposed under the first proviso shall be published widely for the knowledge of the users by other possible means.”

16.Thus, the State, while exercising powers limited by its territorial jurisdiction, cannot interfere with matters falling under the Entries in the Union List. Even when acting in the interest of public safety and convenience, the State Government lacks the legislative competence to impose restrictions on movement along National Highways.

17.Further, the issue relating to the restriction on the movement of minerals from one State to another was considered by the Division Bench of this Court in W.P.(MD) Nos.5081 of 2019 etc., batch, by order dated 11.02.2021, wherein it was held that though the power to regulate is



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rather wide, it would not extend to the exercise of power by the State after the mineral has been extracted. Therefore, the State Government cannot prohibit or restrict a licensee from transporting minerals outside the State. However, such regulation can be imposed at the time of granting licence by keeping in mind the actual quantity permitted to be extracted.

18. Therefore, once the quantity is restricted, the question of regulating transportation would not arise. Moreover, such regulation would also have an economic impact, including increased manufacturing costs, which would itself dissuade the transportation of minerals to other States.

19. Therefore, merely because trucks may cause accidents, the fifth respondent cannot impose restrictions on trucks transporting minerals through a particular road. There are several other ways to control and prevent accidents. Further, if any vehicle is found carrying overload, it would amount to a violation under the Motor Vehicles Act, 1988, and the concerned authorities are empowered to take appropriate action against overloading, overspeeding, and dangerous driving under the relevant provisions of the Act.



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20.It is relevant to extract the provisions under Section 115 of the Motor Vehicles Act, 1988, which read as follows:

“115.Power to restrict the use of vehicles.-The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the Official Gazette, prohibit or restrict, subject to such 2 (1986) 2 SCC 68 exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 116 at suitable places:

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given of such prohibition or restriction.”

21.Section 115 of the Motor Vehicles Act, 1988 empowers the Collector to prohibit or restrict the entry of motor vehicles on any road or



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roads in the interest of public safety and convenience. Accordingly, the State Government or any authority authorized in this behalf, upon being satisfied that it is necessary in the interest of public safety or convenience, or having regard to the nature of any road or bridge, may, by notification in the Official Gazette, prohibit or restrict the use of such roads by any class or description of motor vehicles, subject to such exceptions and conditions as may be specified in the notification.

22.The proviso to Section 115 of the Act further provides that where such prohibition or restriction is to remain in force for a period not exceeding one month, publication of a notification in the Official Gazette shall not be necessary.

23.Thus, for any prohibition or restriction on the use of a road or bridge extending beyond one month, issuance of a notification in the Official Gazette is a statutory requirement. Such prohibition or restriction can be imposed only when it is considered necessary in the interest of public safety or convenience, or having regard to the nature of the road or bridge, and only with respect to any specified class or description of motor



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vehicles.

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24. Therefore, publication of a notification in the Official Gazette is a sine qua non and a mandatory requirement for imposing a valid restriction or prohibition on the use of motor vehicles under Section 115 of the Motor Vehicles Act, 1988, where such restriction or prohibition exceeds a period of one month.

25. Therefore, the fifth respondent has no jurisdiction to impose a sweeping prohibition on the use of trucks carrying mining materials through Kanyakumari District till the completion of Kaliakkavilai to Kanyakumari National Highway expansion work (NH-47 from 43.000 kms to 96.714 kms). Such restriction amounts to a clear violation of the petitioner's rights guaranteed under Article 19(1)(d) of the Constitution of India.

26. In view of the above, the impugned order challenged in this writ petition cannot be sustained and is liable to be quashed.



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27. Accordingly, the impugned order dated 10.04.2026 passed by the fifth respondent is quashed, and the writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

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To

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Represented by its Chairman,
No.G5 and 6, Sector 10,
Dwarka, New Delhi - 110 075.

2. The Regional Officer,
National Highways Authority of India (NHAI),
Madurai Region, No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani,
Madurai District.

3. The State of Tamil Nadu,
Represented by its Secretary,
Department of Transport,

15/17



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G.K. ILANTHIRAIYAN, J.

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