

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 72032/2025

[Arising out of impugned final judgment and order dated 07-08-2025 in WPMD No. 17492/2015 passed by the High Court of Judicature at Madras at Madurai]

T S R VENKATRAMANA

Petitioner(s)

VERSUS

THE UNION OF INDIA & ORS.

Respondent(s)

IA No. 40757/2026 - CONDONATION OF DELAY IN FILING

IA No. 40758/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 40753/2026 - EXEMPTION FROM FILING O.T.

Date : 25-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. T S R Venkatramana, Sr. Adv.

Mr. G S Mani, Adv.

Mr. Ashok Kumar Rai, Adv.

Ms. Yasmeen, Adv.

Mr. Ashif Azam, Adv.

Mr. S. Irfan Basha, Adv.

Mr. S. Hemanth, Adv.

Mr. R. Sathish, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

We have heard learned counsel for the petitioner.

Entry 23 of List I of the Seventh Schedule of the Constitution deals with "Highways declared by or under law made by Parliament to be national highways." Entry 96 List I thereof speaks of "Fees in respect of any of the matters in this List, but not including fees taken in any court."

Contd..

Entry 59 List II deals with "Tolls". List I is the Union List whereas List II is the State List. Article 246 of the Constitution reads as under -

246. Subject-matter of laws made by Parliament and by the Legislatures of States -(1)Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List 1 in the Seventh Schedule (in this Constitution referred to as the "Union List").

(2)Notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3)Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List').

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List."

Having regard to the pith and substance of Entry 23 read with Entry 96 of List I of the Seventh Schedule of the Constitution of India, we find that any toll which is essentially a charge or fee collected for the use of a National Highways by the National Highway Authority of India is squarely covered within the Union List. Consequently, the expression "Tolls" in Entry 59 List II must be restricted to those tolls or charges which are not collected by the Union Government in terms of List I

contd..

of the Seventh Schedule of the Constitution of India. In the above analysis, we do not find any reason to interfere in the matter.

The Special Leave Petition is hence dismissed.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
DEPUTY REGISTRAR

(DIVYA BABBAR)
COURT MASTER (NSH)