**Civil Writ Petition**

**Art. 226, of the Constitution of India**

In the High Court of Judicature at …………………

In the matter of Art. 226, of the Constitution of India

Civil Writ Petition No…….. of ……….

Name and Address :…………………………… Petitioner

………………………………………………….

versus

District Boar of ……………….. Respondent.

Petition for a writ of mandamus

The petitioner above named states as follows :

1. That he is the owner of a Passenger Bus No………… which is plied for carrying passengers from………… to…………. under permit No………. issued on……….. by ………..

2. That in the course of the journey from………… to ……….., the said bus carrying passengers or otherwise has to cross the bridges at ………………… and……… over the rivers …… and ………. respectively at points ……. and …….

3. That during the rainy season the waters of the said rivers overflow the said bridges and in order to enable the passengers to go from one end of the river to another for the purpose of crossing the said rivers, the respondent has made arrangements to carry the passengers or persons intending to cross the said rivers by providing boats at the ferry close to each said river, known as ………. on the river……….. and ………. ferry on the river ………

4. The respondent levies a toll of Rs…… per bus for one trip when it proceeds to cross each of the said rivers over the bridges aforementioned. Thus Rs …….. are required to be paid by each bus (inclusive of the petitioner) to go from ………. to ………… and return therefrom to ………..

5. That it is alleged that this toll is charged in order to maintain the ferries under Northern India Ferries Act, 1878.

6. That no such toll is charged on the days when owing to floods the said bridges are overflown with the current of the said rivers and the vehicular traffic cannot cross the bridge.

7. That the levy of the said toll from the petitioner at the crossing of his bus (passenger) at……… and …….. is illegal.

8. That the petitioner being aggrieved by the said levy and charging of the said toll from the petitioner, he approaches this Hon'ble Court for issue of a writ of mandamus prohibiting the respondent from making such charge or levy of said toll and for refund of sums already paid to the respondent in this behalf, on the following, among other

Reasons

(i) That the pucca bridges (known as……. and …….) over the rivers ……….. and ……….. aforesaid are not ferries within the meaning of Northeren India Ferries Act, 1878.

(ii) That the notification issued under the said Act, in respect of the said bridges as being deemed to be ferries, is ultra vires.

(iii) That the said bridges are part of the public roads and highways.

(iv) That Government could not declare these bridges to be ferries.

(v) That the said road from ……… to……… and the bridges thereon are not maintained by the respondent. It incurs no expenditure over their maintenance. Hence no levy could be made by the respondent in this behalf from the petitioner.

(vi) …………….

9. It is prayed that a writ of mandamus be issued to the respondent to forbear from leavying any toll tax on the vehicle (bus) of the petitioner when it crosses the abovementioned two bridges over the rivers ………… and ……….. The respondent be further directed to return the money deposited by the petitioner with the respondent in this behalf.

N. B. - An affidavit in support of the petition is also filed herewith.

Dated ………………..

(Sd.)

Petitioner.

(Sd.)

Advocate for the Petitioner.