

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7371 of 2013

K.S.Suresh

... Petitioner

vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Revenue Divisional Officer,
Ranipet, Vellore District

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Certiorarified Mandamus to call for the entire records in pursuant to the rejection order passed by the 1st respondent vide Na.Ka./G3/66766/2008 dated 24.12.2012 and quash the same and further direct the 1st respondent to pay the pending legal fees of Rs.4,78,100/- (Four lakhs seventy eight thousand and one hundred only) due and payable to the petitioner with interest within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondents: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

Heard Mr.T.P.Prabakaran, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

2. The petitioner is a practicing advocate and was appointed as Additional Government Pleader and Additional Public Prosecutor in Fast Track Court No.II, Ranipet, Vellore District from 25.09.2002 to 09.08.2006. The petitioner appeared for the Government defending the cases instituted by the land owners claiming enhanced compensation for the lands acquired by the Government for establishment of an Industrial Complex by SIPCOT. Incidentally, the petitioner was also retained by SIPCOT, as their counsel in those cases which was a private engagement. The petitioner has raised fee bills to SIPCOT as

well as to the District Collector for his appearance on behalf of both of them, who were impleaded as respondents in the LAOPs.

3. According to the petitioner, he is entitled for fees from the SIPCOT as well as from the Government, since the appearance was for two different parties and the terms of engagement are different. The petitioner earlier approached this Court and filed W.P.No.14006 of 2008 praying for direction to settle all the pending fee bills with interest. The said Writ Petition was disposed of by order dated 18.11.2008 directing the respondents to settle the entire amount, which the petitioner is entitled to within a period of eight weeks and if the amount is not settled within the said period, it will carry interest of 12%.

4. It is to be noted that the SIPCOT was not a party in the earlier Writ Petition, though the Government represented by the Secretary, Department of Industries was a party. However, pursuant to the Order passed by this Court, SIPCOT has settled the entire fee bill, as claimed by the petitioner together with interest at 12%.

5. Now, the petitioner claims settlement of the fee bill by the Government. In the Impugned Order, the first respondent has stated about the payments effected to the petitioner. It is to be pointed out that payments effected to the petitioner was by SIPCOT for the petitioner's appearance as counsel for SIPCOT. Therefore, the payments made by SIPCOT cannot be reckoned towards fee payable to the petitioner for having appeared for the State Government as Additional Government Pleader. The terms of engagement of the petitioner as Additional Government Pleader cum Additional Public Prosecutor is entirely different, which would be evident from the terms and conditions of the engagement by SIPCOT. Further, no record has been placed before this Court to show that the petitioner agreed to accept a single fee for his appearance for the Government as well as SIPCOT.

6. In such circumstances, the fee bills of the petitioner raised before the respondents cannot be kept pending or the Government cannot await any clarification from SIPCOT in this regard. As already pointed out, the terms of engagement by the Government as well as SIPCOT are entirely different and the petitioner having appeared before the concerned Court representing the Government in the capacity of Additional Government Pleader and representing SIPCOT as its private counsel is entitled for claiming fees separately from both parties.

7. For all the above reasons, this Writ Petition is allowed and the impugned order passed by the 1st respondent vide Na.Ka./G3/66766/2008 dated 24.12.2012 is set aside and the respondent concerned, is directed to process the petitioner's fee bills for having appeared in those cases in the capacity of Additional

Government Pleader in accordance with terms of his engagement and pass appropriate orders within a period of eight weeks from the date of receipt of copy of the order. No costs.

Sd/-
Assistant Registrar

True Copy

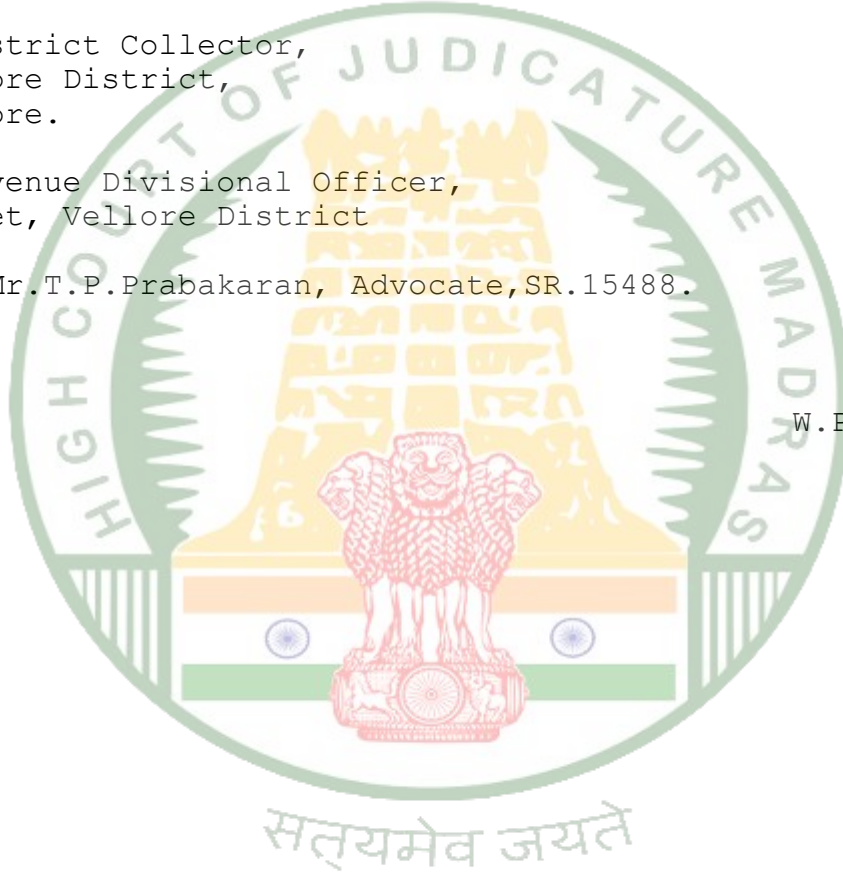
Sub Assistant Registrar

To

1. The District Collector,
Vellore District,
Vellore.
 2. The Revenue Divisional Officer,
Ranipet, Vellore District
- +1 cc to Mr.T.P.Prabakaran, Advocate,SR.15488.

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