

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE M. DHANDAPANI

W.P.No.42437 of 2006

and

M.P.No.1 of 2006

T.C.Vijayakumar

...Petitioner

Versus

1.The Additional District and Sessions Court
(Fast Track Court No.2),
Chennai rep.by Registrar,
City Civil Court,
Chennai 104.

2.The District Collector,
Chennai.

3.The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai 28.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in connected with the proceedings issued in Ref.No.Aa.2/25648/05 dated 12.10.2006 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.R.Nareshkumar for
Mr.S.Ilamvaludhi

For Respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

The petitioner filed a Writ Petition, challenging the order in Ref.No.Aa 2/25645/05 dated 12.10.2006 passed by the third respondent, wherein, the third respondent/Tahsildar demanded Rs.50,550/- as Court fee.

2. The case of the petitioner is that the petitioner, while he was passing South to North at Anna Salai on 30.10.1999, sustained head injuries due to the falling of the advertisement board erected by Tamil Nadu Handloom Development in Durairaj Mansion at No.829, Anna Salai, Chennai. Immediately, thereafter, he was taken to the Government General Hospital and was treated as an inpatient. Though he was discharged from the said hospital he was issued with a certificate stating that he sustained permanent disability of 20% due to the said accident. Thereafter, the petitioner filed a suit for compensation against Tamil Nadu Handloom Development Society and one Tmt.Gnansundari owner of the boards in O.S.No.6794/2001 claiming compensation of Rs.6,74,000/-. The petitioner has also filed an application in I.A.No.400/1996 to dispense with the payment of Court fee. The City Civil Court, Chennai, passed order dispensing with the payment of Court fee.

3. After contesting the suit, the petitioner was awarded a compensation of Rs.36,000/-. Without knowing the compensation awarded by the City Civil Court, Chennai, in a mechanical manner, the Tahsildar calculated the Court fee referred under Section 22 of Court Fee Act, as if the petitioner was awarded a sum of Rs.6,74,000/- and the Court fee payable was dispensed with.

4. Admittedly, the petitioner has filed the suit claiming compensation of Rs.6,74,000/-. However, the Court has awarded a compensation of Rs.36,000/-, but 3rd respondent directed the petitioner to pay the Court fee to the tune of Rs.50,550/- on the basis of the entire claim made by the petitioner. The fact remains that the petitioner is required to pay Court fee only in respect of the amount awarded in his favour. Therefore, the order of the 3rd respondent is unsustainable in law and is contrary to the general principles of law.

5. Hence, this Court is inclined to quash the order. Accordingly, the proceedings issued in Ref.No.Aa.2/25648/05 dated 12.10.2006 passed by the 3rd respondent is quashed and Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Additional District and Sessions Court
(Fast Track Court No.2),
City Civil Court,
Chennai 104.

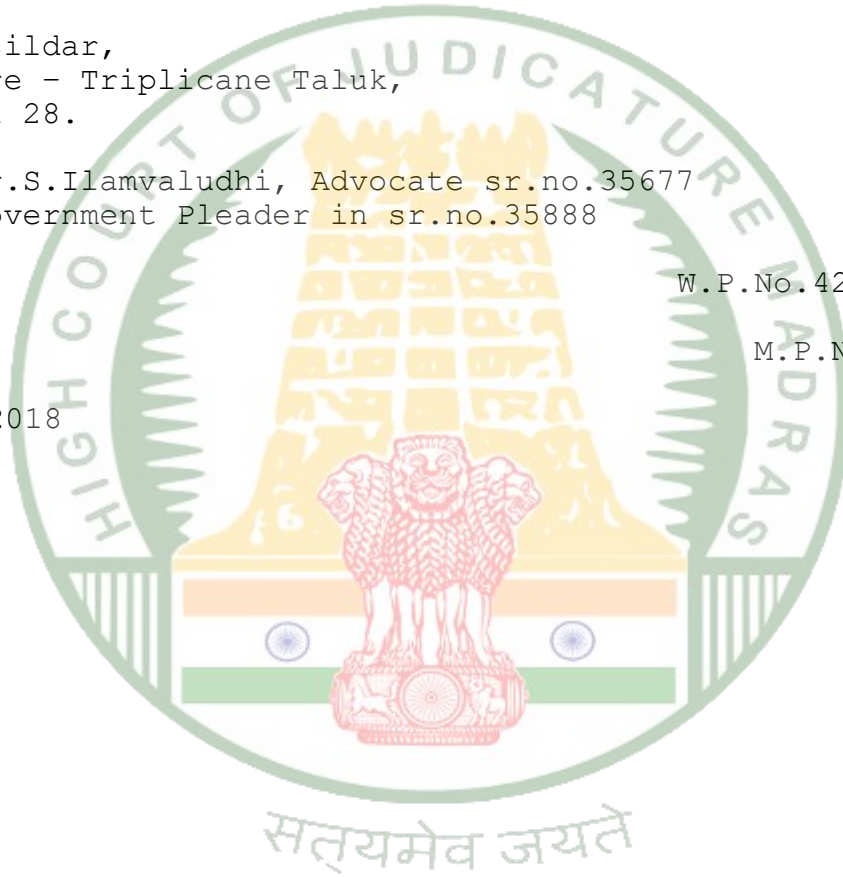
2.The District Collector,
Chennai.

3.The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai 28.

+1cc to Mr.S.Ilamvaludhi, Advocate sr.no.35677
+1cc to Government Pleader in sr.no.35888

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nr 19/06/2018



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