

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.27440 of 2018

R.Natarajan

... Petitioner

vs.

1. Government of Tamilnadu,
Rep. by the Chief Secretary,
Government of Tamilnadu,
Fort St. George,
Chennai.
2. Secretary,
Home Department,
Government of Tamilnadu,
Fort St. George,
Chennai.
3. The Registrar General,
High Court of Madras,
Chennai - 600 104. Respondents

Prayer:-

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, calling for the records of the respondent-2 pertaining to the amendment made to increase the court fees payable in respect of petitions to the Hon'ble High Court for Writs under Articles 226 & 227 of the Constitution of India as per Sec.12(3) (vi) of the Tamilnadu Court Fees and Suits Valuation (Amendment) Act, 2017 (Act No.6 of 2017) notified in the Gazette on 17.02.2017 and quash the same, and consequently direct the respondents 1 & 2 to restore the status quo ante.

For Petitioner : Mrs.E.Maragathasundari

For Respondents : Mr.T.N.Rajagopalan [for R1 & R2]
Government Pleader.
Mr.B.Vijay [for R3]

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Petitioner has sought for a writ of mandamus, calling for the records of the Secretary to the Government, Home Department, Government of Tamilnadu, Chennai, the 2nd respondent herein, pertaining to the amendment made, to increase the Court fees payable, in respect of petitions, filed under Articles 226 & 227 of the Constitution of India, as per Sec.12(3) (vi) of the Tamilnadu Court Fees and Suits Valuation (Amendment) Act, 2017 (Act No.6 of 2017) notified in the Gazette on 17.02.2017 and quash the same, and consequently, direct the respondents 1 & 2, to restore status quo ante.

2. We have gone through the entire material on record.

3. Pursuant to the report of the Court Fees Rationalisation Committee, headed by Hon'ble Mr.Justice K.Sampath (Retd.) and Mr.R.Krishnamoorthy, learned Senior Advocate and Mr.RamaKrishnan Viraraghavan, Barrister and the views expressed by the High Court in W.P.No.31249 of 2014 etc., batch of writ petitions, Government have enacted Tamil Nadu Court Fees and Suit Valuation Amendment Act, 2017 (Act 6 of 2017), by which Court fee, has been enhanced for appeals, writ petitions, etc.

4. As per Section 12(3)(vi) of the Tamil Nadu Court Fees and Suits Valuation (Amendment) Act, 2017, Court fee for writ petition under Article 226 of the Constitution of India, other than a writ of Habeas Corpus has been fixed as Rs.1,500/-. Court Fee for Civil Revision Petition filed under Article 227 of the Constitution of India, is Rs.500/-.

5. Contending inter alia that the abovesaid Court fee fixed by this Court, for filing writ petitions under Article 226 of the Constitution of India and Civil Revision Petitions under Article 227 of the Constitution of India, is excessive, than the Court fee fixed for the above, in other states, and that the Committee has ignored the Law Commission's recommendation, opinion of 84.38% of the stakeholders, fee-structure for Writs in other States, Court-fee structure of the Hon'ble Apex Court and for other reasons, petitioner is stated to have sent a representation dated 05.02.2018 to the Registrar General, High Court, Madras.

"(a) the recommendations of the Rationalisation Committee in respect of Writ may kindly be reviewed by the Administrative Wing of the Hon'ble High Court and its recommendation to increase the Court Fee for the "Petition to the High Court under Article 226 of the Constitution for a Writ other than Writ of Habeas Corpus" rejected and the State Government of Tamilnadu

be advised to fix that fee at Rs.50 per Petitioner as is in vogue in Delhi and Punjab, or to make it Nil as recommended by the Law Commission of India.

(b) In addition, as an interim measure, the Government of Tamilnadu may kindly be advised to hold in abeyance, Sec.12(3)(vi) of the Tamilnadu Court Fees and Suits Valuation (Amendment) Act, 2017 and restore the status quo ante, that was prevailing upto 28.02.2017 in respect of "Petition to the High Court under Article 226 of the Constitution for a Writ other than Writ of Habeas Corpus."

6. Subsequently, the petitioner has made an application dated 13.07.2018 and 18.07.2018, to the Registrar (Administration) Public Information Officer, Madras. Contending inter alia that there is no response, instant writ petition has been filed for the relief stated supra.

7. Mr.B.Vijay, learned counsel representing the Registrar General, High Court, Madras submitted that representation of the petitioner dated 05.02.2018, submitted to the Registrar General, High Court, Madras, has been forwarded to the Government, Home Department, vide letter dated 06.06.2018.

8. Representation of the petitioner, is stated to be pending, with the Government. Hence, Mr.T.N.Rajagopalan, learned Government Pleader is put on notice.

9. Heard the learned counsel for the parties and perused the materials available on record.

10. Mrs.E.Maragathasundari, learned counsel for the petitioner, admitted the appointment of a Committee, on the request of the petitioner therein.

11. High Court has appointed a committee, headed by a Former Judge of Madras High Court, Hon'ble Mr.Justice K.Sampath. Committee has submitted its report. Pursuant to the directions, Government have gazetted the enactment. Now, representation is pending before the Government.

12. In the abovesaid circumstances, we only direct the Secretary to the Government, Home Department, Government of Tamil Nadu, the 2nd respondent herein to consider the petitioners representation dated 05.02.2018, forwarded by the Registrar General, High Court Madras, vide letter dated 06.06.2018 and pass orders, within a period of six weeks from the date of receipt of a copy of this order.

13. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamilnadu,
Rep. by the Chief Secretary,
Government of Tamilnadu,
Fort St. George,
Chennai.
2. Secretary,
Home Department,
Government of Tamilnadu,
Fort St. George,
Chennai.
3. The Registrar General,
High Court of Madras,
Chennai - 600 104.

+1cc to Mrs.E.Maragathasundari, Advocate, S.R.No.72476
+1cc to the Government Pleader, S.R.No.71810

WP.No.27440 of 2018

MR(Co)
CS/12/11/2018

सत्यमेव जयते

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