

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1735 of 2019

Mr.Ramasamy

... Petitioner

Vs.

1. The District Collector -cum-
Arbitrator,
Villupuram, Villupuram District.

2. The Competent Authority,
The Special District Revenue Officer (LA)
National Highways
No.68, Door No.3B/8, Ram Nagar Road,
Swarnapuri (2nd Gate)
Salem-636004.

3. The Project Director,
National Highways Authority of India,
No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem-636004.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to direct the Principal District and Sessions Judge, Villupuram to number the Arbitration O.P.(SR)No.18662 of 2018, pending on the file of the Principal District and Sessions Judge, Villupuram without insisting the further Court fee as per the Tamil Nadu Court-Fee and suit valuation (Amendment) Act, 2017.

For Petitioner : Mr.D.Muthukumar

For Respondent -3 : Mr.Su.Srinivasan

ORDER

The present Civil Revision Petition is filed by the petitioner seeking to direct the Principal District and Sessions Judge at Villupuram to number the Arbitration O.P.(SR)No.18662 of 2018, without insisting further Court fee as per the Tamil Nadu Court-Fee and suit valuation (Amendment) Act, 2017.

2. The learned counsel for the petitioner produced the notification issued by the Government of Tamil Nadu wherein, it is seen that the appointed day for the said Act coming into force is specified as 01.03.2017, whereas the Arbitration Original Petition was filed on 12.08.2016. He would further submit that he has paid the appropriate Court fee on 12.08.2016 as per the extant provisions of the Act at the relevant point of time. Therefore,

the amendment which is made in the Act will not be applicable to the arbitration OP which was filed much earlier to the amendment and the same will not operate retrospectively. Thus, the Court shall not insist for payment of further Court fee as per the amended Act, however, the District Court without considering the above fact has rejected the memo filed by the petitioner.

3. Considering the facts and circumstances of the case, the Principal District and Sessions Judge, Villupuram is directed to number the petition and thereafter decide the issue of limitation and other aspects.

4. The Civil Revision Petition is ordered accordingly. No costs.

5. Registry is directed to return the Original Petition to the petitioner enabling him to approach the Principal District and Session Judge, Villupuram.

सत्यमेव जयते

20.06.2019

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Index: Yes / No
Speaking Order / Non-Speaking Order
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To

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