

W.M.P.No.5986 of 2021
IN W.P.No.5391 of 2021

P.N.PRAKASH, J.
AND
V.SIVAGNANAM, J.

[Order of the Court was made by P.N.PRAKASH, J.]

This Writ Miscellaneous Petition has been filed seeking exemption from payment of Court fee under the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

2. Writ Petitions such as the instant one are being frequently filed and it appears that the Registry of this Court is insisting the petitioners to pay Court fee that is chargeable for a regular Writ Petition. Therefore, the petitioners are filing miscellaneous petitions under Section 72 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955, for exemption. Section 72(xiii) *ibid.*, which is germane for the issue at hand, reads as under:

“72. Exemption of certain documents nothing contained in this Act shall render the following documents chargeables with any fee:--

(xiii) petition by a prisoner or other person in duress or under restraint of any Court or its officer;

3. In our considered opinion, petitions filed either by a prisoner or by someone on his behalf claiming reliefs for the prisoner, cannot be levied regular Court fee of Rs.1,000/- in the light of Section 72(xiii) *ibid.* extracted above.

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4. Therefore, we direct the Registrar (Judicial) to place the matter before the Hon'ble Chief Justice for issuance of necessary instructions to the Registry not to insist upon the payment of Rs.1,000/- as Court fee for the writ petitions filed by or on behalf of prisoners and also not to insist upon the petitioners to file separate petitions seeking exemption from payment of Court fee. When the law gives exemption, there is no necessity for the petitioners to file separate petitions seeking exemption. However, as regards the present miscellaneous petition, exemption from paying Court fee is granted.

As a sequel, this Writ Miscellaneous Petition is allowed.

(P.N.P.,J.) (V.S.G.,J.)
04.03.2021
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To

1.The Registrar (Judicial)
High Court, Madras

2.The Public Prosecutor
High Court, Madras

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