



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Twenty Second day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr. Justice M.S.RAMESH
AND

The Hon`ble Mr. Justice N.ANAND VENKATESH

WMP(MD). No.20508 of 2022
in

W.P.(MD) No.26330 of 2022

Nagarathinam

... Petitioner

Vs

- 1 The State of Tamil Nadu rep by
the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort. St. George,
Secretariat, Chennai-9
- 2 The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road, Egmore, Chennai -8.
- 3 The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.

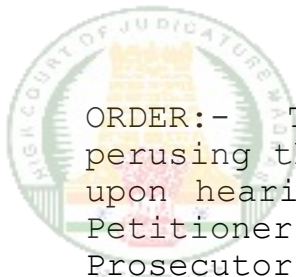
... Respondents

Prayer in WMP(MD). 20508/ 2022 :

This petition filed under Article 226 of the Constitution of India, to permit me to exemption from court fee under section 72 (xiii) Tamilnadu Court Fee and suit valuation Act 1955 in the above writ petition to secure the ends of justice and thus render justice.

Prayer in WP(MD). 26330/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to release the petitioner by name Nagarathinam, wife of Raju, aged about 46 years, now confining at Madurai Special Prison for Women under premature release on the basis of the G.O.Ms. 488, Home (Pri IV) Department, dated 15.11.2021 or under advisory board proceedings under rule 341 of the Tamil nadu Prison Rules or any other appropriate order or government scheme in accordance with law.



ORDER:- This Petition coming on for orders on this day on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R. Alagumani, Advocate for the Petitioner and of Mr. A. Thiruvadikumar, Additional Public Prosecutor for the respondents, this Court made the following order:

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(Order of the Court was made by N. ANAND VENKATESH, J.)

This petition has been filed seeking for exemption from payment of Court fee under Section 72(xiii) of Tamilnadu Court Fee and Suit Valuation Act, 1955.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It was brought to our notice that a similar petition seeking for exemption was heard and orders were passed by a Coordinate Bench in WMP No.20696 of 2022 and W.P.Sr.No.86560 of 2022 dated 24.08.2022. For better appreciation, the entire order is extracted hereunder:

"The petitioner has come forward seeking for exemption from payment of Court fee in terms of Section 72 (xiii) Tamil Nadu Court Fee and Suit Valuation Act 1955 contending that the petitioner's husband is a life convict No.9150 and is undergoing sentence for more than two years at Salem.

2. In the light of the above provision of Section 72 (xiii) of the aforesaid Act, the Court fee may be exempted for the petitioner. For the sake of convenience section 72(xiii) is extracted hereunder:

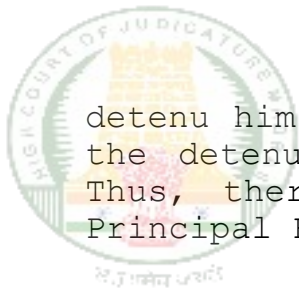
"72(xiii) - Petition by a prisoner or other person in duress or under restraint of any Court or its Officer"

3. To avoid delay in getting matter numbered and listed for hearing, the Rule extracted supra has got to be read harmoniously. What the Rule 72(xiii) referred to supra would mean that any petition can be filed by the petitioner or on behalf of the petitioner or other person in duress.

4. Registry is directed to verify about an averment in the affidavit as to whether detenu is in prison.

5. Registry is directed to number the petition if the detenu is in prison and need not insist for a separate miscellaneous petition seeking for exemption of court fee, in case of person who is a prisoner or a petition is filed on behalf of the prisoner as observed by us supra."

4. In view of the above, there will be a direction to the Registry to henceforth number the writ petition whenever the detenu is inside prison and the Registry need not insist for filing separate Miscellaneous Petition seeking for exemption from Court fee. This direction shall be applicable both in the case of the



detenu himself/herself filing the writ petition or any rel of
the detenu filing a writ petition seeking for premature release.
Thus, there should be a uniform procedure followed both in the
Principal Bench as well as in the Madurai Bench.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

To

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 22/11/2022

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ORDER
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WMP(MD) . No.20508 of 2022
in
W.P.(MD) No.26330 of 2022

Giving direction and etc.
as stated within.

SS/15/12/2022/ 3P 3C