



Rev.Aplw.(MD)No.67 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Review Application Writ (MD)No.67 of 2022

- 1.L.Murugan
- 2.S.Anthonimuthu
- 3.M.Muthumari
- 4.A.Govindan
- 5.N.Ramalaskhmi
- 6.A.Gnanapon
- 7.P.Vetrivel
- 8.P.Ressei
- 9.T.Shanthi
- 10.M.Vembu
- 11.A.Ravisingh
- 12.Natarajan
- 13.T.Devi
- 14.J.Nagarathinam
- 15.P.Pandiselvi
- 16.D.Mahalakshmi
- 17.G.Vijayakumar
- 18.G.Meera Suganthi
- 19.E.Vallimayil



Rev.Aplw.(MD)No.67 of 2022

20.S.Velusamy
21.S.Thangaraj
22.Grachyhepshiba
23.P.Padmavathi
24.Paurdevagai
25.P.Chinnammal
26.R.Pandiammal
27.A.Selvi

...Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.
- 2.The Diretor,
Indian Medicine & Homeopathy Department,
Arignar Anna Complex,
Arumbakkam,
Chennai – 600 106.
- 3.District Siddha Medical Officer,
Indian Medicine and Homeopathy Department,
Tenkasi,
Tirunelveli District.
- 4.District Siddha Medical Officer,
Indian Medicine and Homeopathy Department,
Virudhunagar,
Virudhunagar District.



Rev.Aplw.(MD)No.67 of 2022

5.District Siddha Medical Officer,
Indian Medicine and Homeopathy Department,
Thoothukudi, Thoothukudi District.

6.District Siddha Medical Officer,
Indian Medicine and Homeopathy Department,
Nagercoil, Kanyakumari District.

...Respondents

PRAYER: Review Petition filed under Section 114 r/w. Order XLVII Rule 1 of C.P.C. to review the order passed in permission / 2B petition in W.M.P.(MD)No.13462 of 2022 in W.P.(MD)No.18475 of 2022 dated 16.08.2022 and grant permission to pay single Court fee in the above Writ Petition in W.P.(MD)No.18475 of 2022.

For Petitioners : Mr.Raja Karthikeyan

ORDER

Since the issue involved in the present Review Petition is between the Court and the petitioner alone, notice to the respondents is dispensed with.

2. Through the order dated 16.08.2022, the Writ Miscellaneous Petition in W.M.P.(MD)No.13462 of 2022 in W.P.(MD)No.18475 of 2022, filed under Rule 15(1) of the Madras High Court Writ Rules, 2021 was allowed, on payment of separate Court fee. In the present Review Petition, the petitioners seek for payment of single Court fee.



Rev.Aplw.(MD)No.67 of 2022

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3. I have earlier passed an order in identical circumstances holdig that the normal Rule for payment of Court fees for more than one petitioner would be only a single Court fee under Rule 15(1) of the Madras High Court Writ Rules, 2021, unless specifically ordered by this Court. Such an order was passed in W.M.P.(MD)No.12563 of 2022 in W.P.(MD)No.17190 of 2022, dated 05.08.2022 in the following manner:

“2. The erstwhile procedure for several petitioners seeking permission to join in a single writ petition was governed under Rule 2-B of Appendix V of the “Rules to regulate proceedings under Article 226 of the Constitution of India”, incorporated in the Madras High Court Appellate Side Rules, which read as hereunder:

“2-B. Where several persons seeks to invoke the jurisdiction of the Court under Article 226 of the Constitution of India, it is open to the Court to permit them to join in a single petition having regard to the nature of their grievance, the source of the right which they seek to enforce, the nature of the cause of action alleged and the nature of the relief prayed for.”

3. As per the aforementioned Rule 2-B, there was no provision for payment of either a single Court fee or separate Court fees for each of the petitioners. However, in practice, the High Court had been predominantly passing orders for payment of separate Court fees for each of the petitioners, while permitting them to join in a single writ petition, in exercise of its discretion.

4. After introduction of Rule 15 of the Madras High



Rev.Aplw.(MD)No.67 of 2022

Court Writ Rules, 2021, the procedure for granting permission to several petitioners to join in a single writ petition, was modified in the following manner:

“15. Permission to file a single Writ Petition:

(1) The Court may permit several petitioners to join in a single Writ Petition having regard to the nature of the grievance, the source of the right which they seek to enforce, the nature of the cause of action alleged and the nature of the relief prayed as the Court may deem fit and proper, without payment of any additional court fee. This shall apply mutatis mutandis to Writ Petitions against a common order.

(2) The Petition for permission as aforesaid shall be listed simultaneously with the Writ Petition for admission. If the court rejects the prayer, the Writ Petition shall be confined to the first petitioner and the other petitioner/s shall be entitled to file separate Writ Petition/s”

5. A bare reading of the Rule 15(1) suggests that when the grievance, source of the right, cause of action and the relief prayed for by several petitioners are one and the same, they can be permitted to file a single writ petition, without payment of any additional Court fee. In other words, a single Court fee payable for one writ petitioner, would be sufficient Court fee for the several writ petitioners joining together under Rule 15(1). However, the language employed under Rule 15(1), being discretionary, would not divest the powers of the High Court to order for separate Court fees to each of these petitioners.

6. Rule 15 (2) is a corollary to Rule 15(1), which deals with situations when the High Court declines to grant



Rev.Aplw.(MD)No.67 of 2022

permission for filing a single writ petition. In such circumstances, the writ petition, insofar as the first petitioner alone is taken up on file, along with the Court fee paid therein, for that single petitioner. The remaining petitioners would thereafter be entitled to file separate writ petitions along with the respective separate Court fees. Thus, Rule 15(2) highlights the intent behind Rule 15(1) for provision of a single Court fee, when the permission thereunder is granted.

7. On a overall consideration of Rule 15(1) r/w Rule 15(2) of the Madras High Court Writ Rules, 2001, the provision for permission to several petitioners to join in a single writ petition and payment of Court fees thereon, can be summed up as follows:

a) When the nature of the grievance, source of the right, cause of action and the relief prayed for are common, the High Court may permit the several petitioners to join in a single writ petition. However, grant of such permission would be within the discretion of the Courts;

b) When the High Court permits several petitioners to join in a single writ petition under Rule 15(1), the Court fees ordinarily payable thereon, would be a “single Court fees”. However, discretion is vested with the High Court to order for separate Court fees to each of the petitioners;

c) When the High Court exercises its discretion and rejects permission to the several petitioners to join in a



Rev.Aplw.(MD)No.67 of 2022

single writ petition under Rule 15(2), a single Court fee alone would be payable for the first petitioner and the writ petition as against the other petitioners would stand automatically rejected with liberty to the other petitioners to file separate writ petitions and the writ petition against the first petitioner alone will be taken up for admission. No Separate or specific liberty be granted to such petitioners for filing of a fresh writ petition.”

4. In view of the same, the petitioners herein may be permitted to file a Writ Petition on payment of single Court fee. Accordingly, earlier order dated 16.08.2022, passed in W.M.P.(MD)No.13462 of 2022 in W.P. (MD)No.18475 of 2022 is reviewed to the effect that the Writ Miscellaneous Petition in W.M.P.(MD)No.13462 of 2022 is allowed on payment of single Court fee.

5. The Review Petition stands allowed. No costs.

12.07.2023

Index: Yes/No
Speaking/Non speaking order
NCC : Yes/No
vsm



Rev.Aplw.(MD)No.67 of 2022

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director,
Indian Medicine & Homeopathy Department,
Arignar Anna Complex,
Arumbakkam,
Chennai – 600 106.
- 3.District Siddha Medical Officer,
Indian Medicine and Homeopathy Department,
Tenkasi,
Tirunelveli District.
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M.S.RAMESH.J.,

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