



W.P(MD)No.2342 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2342 of 2021

Muthaiah

... Petitioner

Vs

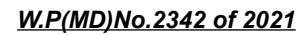
The District Collector,
Madurai District,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the respondent made in Roc.No.59792/2018/C4 dated 09.03.2020 and quash the same as illegal and consequently direct the respondent to pay legal fee as per G.O(Ms)No.36, dated 12.01.2011.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.D.Gandhi Raj
Special Government Pleader



Sl. No.	Nature of Work	Permissible as per G.O	Fee bill submitted by the petitioner	Total (Rs.)
1.	Preparation of plaint, written statement counter affidavit	Rs. 150/-	Out of 719 cases 559 found eligible (559 X 150)	83,850
2.	Appearance for marginal representations other than adjournments	Rs. 100/-	1550 days (for appearance) (1550 X 100)	1,55,000
3.	Final arguments and disposal of cases (other than money suits)	Rs. 400/-	Out of 719 cases 654 found eligible (654 X 400)	2,61,600
Total (Rs.)				5,00,450

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There is no justification for the reduction of number of cases from 719 to 654.

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5.On perusal of the counter affidavit filed by the respondent and on the submissions made by the learned Special Government Pleader appearing for the respondent would reveal that there is no justification and material produced to substantiate the deduction of number of cases from 719 to 654. As per G.O.Ms.No. 36 Home (Cts VIA) Department dated 12.01.2011, for the disposal cases, the petitioner is entitled to Rs.400/-. Therefore, the petitioner is entitled to claim fees for 719 cases as disposal cases. In view of the above, the fee structure for 654 cases alone in serial No.3 for final arguments and disposal of cases alone cannot be sustained and the same is liable to be quashed.

6.Accordingly, the impugned order passed by the respondent dated 09.03.2020 in serial No.3 alone is quashed. The respondent is directed to disburse the fees at Rs.400/- per case under the head of final arguments and disposal of cases for 719 cases instead of 654. For the remaining number of 65 cases comes to Rs.26,000/-. The respondent is directed to pay the sum of Rs.



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26,000/- with interest at the rate of 6% per annum from the date of his claim dated 26.12.2018 till the date of realization, within a period of four weeks from the date of receipt of a copy of this order. Insofar as arrears of salary is concerned, the petitioner is at liberty to make a fresh representation with all particulars.

7.With the above direction, this Writ Petition is partly allowed. There shall be no order as to costs.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

The District Collector,
Madurai District,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.2342 of 2021

18.12.2024