



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.10.2025

PRONOUNCED ON : 29.10.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**Review Application No. 206 of 2025
in W.P.No.17746 of 2025**

1. The Secretary To Government
Home Department
St.George Flyover Bridge, Poonga
Nagar, Chennai-600 003.
2. The District Collector
Office of the District Collector, 1st
Floor, Main Building, Thiruchengodu
Road, Namakkal District - 637003.
3. The District Collector
Office of the District Collector,
Madurai - 625020
4. The Director General of Police
No.1, Dr.Radhakrishnan Road,
Mylapore, Chennai - 600004.
5. The Secretary to Government
Directorate of Adi Dravidar Welfare,
Ezhilagam, Annexure Building,



Chepauk, Chennai - 600005.

Appellant(s)

.Vs.

Mr.B.Mohan
S/o.Balu
Special Public Prosecutor,No.122,
Gurunathan Street,
Bhavani,Erode District.

Respondent(s)

PRAYER

Review Application filed under Order XLVII Rule 1 r/w Section 114 of C.P.C., to review the order dated 04.06.2025 made in W.P.No.17746 of 2025.

For Appellant(s): Mr.J.Ravindran
Additional Advocate General
Asst. by:
Mr.Naveen Kumar
Government Advocate

For Respondent(s): Mr.R.Sankarasubbu
Asst.by:
Ms.V.Gayathri

ORDER

This Review Application has been filed to review the order dated 04.06.2025 made in WP.No.17746 of 2025.



2.The respondent/writ petitioner filed the writ petition for a direction to the petitioners to disburse his professional bill by considering representation dated 07.02.2025. This writ petition was disposed of by an order dated 04.06.2025, directing the petitioners herein to settle the entire fees and expenses that is payable to the respondent for appearing before the Trial Court as well as the High Court during the pendency of the appeal, within a period of three weeks from the date of receipt of copy of the order.

3.The petitioners have filed the present review application on the ground that :

(a) The respondent was not appointed as a Special Public Prosecutor to represent the prosecution in the criminal appeal before the Madurai Bench of the Madras High Court.

(b) The prosecution was represented through Additional Public Prosecutor and hence the respondent could not have appeared for the prosecution without there being any specific order passed in that regard.



(c) The respondent will be entitled for payment of the professional fees only as per the relevant Government order through which he was appointed as a Special Public Prosecutor and nothing more.

4.The respondent/writ petitioner has filed a counter affidavit. He has taken a stand that he is entitled for fixation of fees in line with Sub Rule (6) of rule (4) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Rules, 1995. He has taken a further stand that Section 15A deals with the duty of the State by providing an appropriate scheme to ensure implementation of the rights and entitlements of the victims and witnesses and one such duty is to provide sufficient legal aid. The writ petitioner claims that he had appeared in different Courts for nearly 117 hearings and every time he had to travel from his native place at Bhavani, Erode District and he had incurred huge expenses towards the same. Hence, those expenses incurred must form part of the fees payable to the writ petitioner. The respondent has also placed reliance on the Travelling Allowance Rules under the Tamil Nadu Travelling Allowance Rules for persons other than Government servants in order to make his claim towards



expenses for his travel to various places to appear in different Courts and to function as the Special Public Prosecutor.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.The respondent/writ petitioner was appointed as a Special Public Prosecutor on the side of the prosecution and he not only conducted the proceedings before the Trial Court but also the appeal proceedings before the High Court, on the request made by the Bench of this Court to assist the Court during the appeal proceedings. If not for the professional services rendered by the respondent/writ petitioner, the entire case of the prosecution would have fallen like a pack of cards. It would have had a deleterious effect on the efficiency of the prosecution in upholding the rule of law in a case where a Dalit boy was butchered and mercilessly killed in the name of honour (dishonour) killing. This important aspect was kept in mind by this Court while passing the order in the writ petition. This Court also took into consideration the fact that



the writ petitioner had appeared for nearly 117 hearings and every time he had to travel from Bhavani, Erode District to Namakkal/Madurai and also to the Madurai Bench of the Madras High Court during the pendency of the criminal appeal.

7.The first ground taken by the review petitioners is that the writ petitioner was not appointed as the Special Public Prosecutor in the appeal before the Madras High Court. This Court had directed the writ petitioner to assist the Court during the pendency of the appeal considering the fact that he was Special Public Prosecutor before the Trial Court. Hence, such a technical plea cannot be taken by the review petitioners.

8.The writ petitioner is entitled for payment of fees as contemplated under Sub Rule 6 of rule 4 of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Rules, 1995. Considering the same, the fees of the writ petitioner was fixed at Rs.2,500/- per appearance. There is no dispute insofar as this fees is concerned.



WEB COPY

9.The writ petitioner was appointed as a Special Public Prosecutor exclusively for the Gokulraj murder case and therefore every time when he travels to a Court which is far away, he should be paid minimum travelling expenses, failing which, the fees that is paid to him will be spent only towards fuel expenses.

10.It will be relevant to take note of the Tamil Nadu Travelling Allowance Rules. It is true that it applies only to a Government servant or any other person to whom the rules will apply. Considering the fact that the State Government thought it fit to appoint the writ petitioner as a Special Public Prosecutor, it must be held that the writ petitioner was performing a public duty. Under such circumstances, the relevant rules provide for travelling allowance.

11.This is an exceptional case where the review petitioners must consider the services rendered by the writ petitioner and should not be standing on technicalities when the total claim made by the writ petitioner hardly works out



to a sum of Rs.12,10,000/- for both the fees and expenses incurred. Considering the nature of case in which the writ petitioner was appointed as a Special Public Prosecutor, it must be taken as a Special case and the entire fees and expenses must be settled to the writ petitioner. This was kept in mind when the order was passed in the writ petition.

12.This Court does not find any error apparent on the face of the order passed by this Court in the writ petition. Hence, it does not warrant a review as sought for by the petitioners herein. It is made clear that the present case cannot be taken as a precedent in any other case and the facts of this case must be understood in the background of the seriousness and sensitivity that was involved and the manner in which it was effectively handled by the writ petitioner. Hence, this case cannot be cited as a precedent for any other case.

13.The entire fees and expenses, after giving due credit to the amounts already settled, must be paid to the writ petitioner within a period of four weeks from today.



WEB COPY

14.This review application is disposed of in the above terms. No costs.

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

KP

To

Mr.B.Mohan

S/o.Balu,Special Public

Prosecutor,No.122,Gurunathan

Street,Bhavani,Erode District.



WEB COPY

10

REV.APLW No. 206 of 20



**N.ANAND VENKATESH J.
KP**

**Pre Delivery Order in
REV.APLW No. 206 of 2025**

29-10-2025