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W.A.No.1747 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1747 of 2026
and CMP No.16067 of 2026

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-637 003.
3. The District Collector,
Office of the District Collector,
Madurai-625 020.
4. The Director General of Police
No.1, Dr.Radhakrishnan Road, Mylapore,
Chennai-600 004.
5. The Secretary to Government
Directorate of Adi Dravidar Welfare,
Ezhilagam, Annexure Building, Chepauk,
Chennai-600 005.

Appellant(s)

Vs



W.A.No.1747 of 2026

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

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 29.10.2025 passed by the learned Single Judge in Review Application No.206 of 2025 in W.P.No.17746 of 2025.

For Appellant(s): Mr. Mohammed Fayaz Ali
Government Pleader

For Respondent(s): Ms. Gayathri Vasudevan
for Mr. R. Sankarasubbu

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

This appeal is filed by the State Government challenging an order dated 29.10.2025 passed by the learned Single Judge, who directed the State to pay the pending professional fees and travel expenses of the respondent, an advocate who stepped forward to serve as a Special Public Prosecutor.



W.A.No.1747 of 2026

2. It is to be noted that the State has already cleared his basic appearance fees. However, it objects to reimbursing his travel expenses, arguing that technical rules do not explicitly permit travel allowances for private advocates appointed as public prosecutors.

3.1. The facts in a nutshell are that following the tragic death of a young boy, the victim's grieving mother approached this Court, requesting that the respondent be appointed to lead the prosecution because the family placed their immense trust in him. Recognizing the gravity of the case, based on the direction issued by a learned Single Judge of this Court, the State appointed him. The trial spanned multiple districts, eventually moving to a Special Court in Madurai. The respondent travelled from his hometown in Bhavani, Erode District, to Namakkal and Madurai for nearly 117 hearings.

3.2. When the convicted individuals appealed their sentences, the High Court explicitly requested the respondent to assist the Bench during the appeal stage because of his knowledge of the extensive trial records and, ultimately, the convictions were upheld.



W.A.No.1747 of 2026

3.3. When the respondent submitted a total bill of Rs.12,10,000/-, which covered both his appearance fees and the actual costs of fuel and travel across districts, the State refused to pay the travel portion. The learned Single Judge held that the State cannot stand on rigid technicalities in such an exceptional case. Hence, the present appeal by the State.

4.1. Learned Government Pleader submitted that a private advocate is only entitled to a daily legal fee and not traveling allowance. He drew our attention to a separate order in a connected case where it was observed that the Advocates Act does not explicitly mandate travel allowance.

4.2. It is further submitted that as there was no official, separate government order formally appointing the respondent for the appeal stage in the High Court, he cannot claim expenses for those hearings, even if the judges themselves asked him to be there to assist the court.



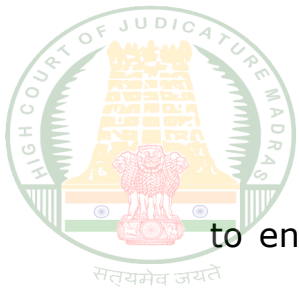
W.A.No.1747 of 2026

5. Learned counsel for the respondent reiterated the reasons that weighed with the learned Single Judge and prayed for dismissal of this appeal.

6. We have carefully considered the submissions advanced by learned counsel for the parties and perused the order passed by the learned Single Judge.

7. When the State appoints an independent advocate to handle a highly sensitive prosecution, that advocate is performing a vital public duty. If an advocate has to travel hundreds of kilometers across districts for 117 hearings, expecting him to pay for the fuel and lodging out of a daily appearance fee is unfair. If the State does not cover basic travel costs, the professional fee itself is completely swallowed up by travel expenses.

8. The State's argument that the respondent lacks formal paperwork for the High Court appeals is overly technical. The respondent did not argue the appeals uninvited. The High Court specifically asked him to assist because his presence was necessary



W.A.No.1747 of 2026

to ensure the prosecution's case did not fall apart. To call his vital assistance "unauthorized" after the case has been successfully won is unacceptable.

9. The total bill presented by the respondent for the intensive work and travel is Rs.12,10,000/-. For the State to spend more time, energy and public money fighting this bill in appeals, than simply paying it, is a poor use of public resources.

10. We find no error in the order passed by the Single Judge. The State must learn to look at the spirit of public service, rather than raising technical objections. As already clarified by the Single Judge, this is a unique case driven by its own exceptional facts and will not serve as a routine precedent for other general cases.

11. The writ appeal is dismissed and the order passed by the Single Judge is upheld. The appellants are directed to clear pending fees, if any, and travel expenses due and payable to the respondent, after deducting any amounts already paid, within four



W.A.No.1747 of 2026

weeks from today. There shall be no order as to costs.

Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
13.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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WEB COPY



W.A.No.1747 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

W.A.No.1747 of 2026

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