

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 3764 of 2022

Jharkhand State Bar Council through its Secretary,

Rajesh Pandey Petitioner

Versus

State of Jharkhand and Ors. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Rajendra Krishna, Advocate
: Mr. V.P. Singh, Sr. Advocate (Amicus
Curiae)
: Mrs. Rashmi Kumar, Advocate
For the State : Mr. Jai Prakash, A.A.G-1A
: Mr. Piyush Chitresh, A.C. to A.G.

Oral Order

04/Dated: 18.08.2022

Mr. Jai Prakash, learned A.A.G.IA is present along with Mr. Piyush Chitresh, learned A.C. to learned Advocate General.

It is informed on behalf of the State that the learned Advocate General is still not available today and there is every likelihood that he will be returning back today itself and then he would be going to hold meeting with the concerned department and then on Tuesday (23.08.2022) he will address the Court on the issue.

As prayed, put up this case on Tuesday next (23.08.2022) at the top of the list.

Before parting with the matter for today, let it be noted that several issues have been raised by Mr. Rajendra Krishna, learned counsel appearing for the writ petitioner. Apart from others, which are as follows:-

- (i) Enhancement of Court Fees with respect to certain items is sometimes thousand times at one go, which is highly unreasonable,

(ii) Court Fee is being charged, now on the written statement to be filed after issuance of summons in a suit, which is in teeth of Section 16 of the Court Fees Act,

(iii) So far the filing of writ petitions in High Court is concerned, they are discriminating a petition filed under Article 226 of the Constitution of India from another petition, which is also filed under Article 226 but in the Public Interest Litigation,

It is urged that though they have the new provision of charging Rs.500/- on any petition filed under Article 226 but at the same time when a petition is filed under Article 226 in the form of Public Interest Litigation then it is double i.e. Rs.1000/- which is highly unreasonable and discriminatory.

(iv) This enhancement is contrary to the several constitutional provisions.

A question was put up by the Court to the State as to whether before tabling the amendment or any bill to be passed by the legislature, whether they seek assistance of the Law Commission or not, then the Court is informed that there is no Law Commission working in the State of Jharkhand for last several years.

In view of the aforesaid issues, we are also of the opinion that the Court will have to go through the records, regarding the discussions and preparations made by the State Government before tabling the bill to be passed by the legislature.

We would direct the State authorities to produce such original records before us so that we could understand the rationale in such sort of enhancement of the Court Fees which is under challenge before this Court in this Public Interest Litigation.

In view of the nature of litigation, affecting the litigants of the entire State in view of the amendment, we have requested Mr. V. P. Singh, learned Senior counsel to assist this Court as Amicus Curiae and he agrees to that.

Let copies of the pleadings be provided by the writ petitioner to the learned senior advocate and henceforth all the affidavits which is being filed by the writ petitioner or the State or other respondents, a copy of the same should be given in advance to the learned Amicus Curiae also.

Mr. V. P. Singh, learned senior counsel has submitted that he will be appearing through Mrs. Rashmi Kumar, learned Advocate.

Let the name of the Advocate, Mrs. Rashmi Kumar appear in the daily cause list henceforth in this matter.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)