

Smt. Krishna Pati Devi ors. Vs. the State of Bihar ors.

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Court : Patna

Decided On : Jul-16-1998

Judge : B.M. Lal, C.J. and S.K. Singh, J.

Appeal No. : L.P.A. No. 580 and 1998

Appellant : Smt. Krishna Pati Devi ors.

Respondent : The State of Bihar ors.

Prior history : 1. This L.P.A. is directed against the order dated 23.4.1998. Shri Rajendra Prasad Singh appears on behalf of the appellants and Junior Counsel to Standing Counsel No. 7 Shri Praveen Kumar appears on behalf of the State. Since the point involved in this L.P.A. is short, therefore, with the consent of counsel for the parties, this L.P.A. is being disposed of finally. 2. The point involved in this appeal is that if by one notification several persons are affected and jointly that notification is c

Judgement :

1. This L.P.A. is directed against the order dated 23.4.1998. Shri Rajendra Prasad Singh appears on behalf of the appellants and Junior Counsel to Standing Counsel No. 7 Shri Praveen Kumar appears on behalf of the State. Since the point involved in this L.P.A. is short, therefore, with the consent of counsel for the parties, this L.P.A. is being disposed of finally.

2. The point involved in this appeal is that if by one notification several persons are affected and jointly that notification is challenged, whether separate sets of Court fees are required to challenge that notification or one set of Court fee would be in accordance with the law.

3. The learned Judge by the impugned order dated 23.4.1998 has reached to the conclusion that though by the notification all the petitioners are affected but there is difference between common interest and similar interest. The interests among the petitioners are common or joint when they claim an interest as class or group. In that case only one set of Court fee is payable. But when the interest is not common but similar in the sense that each of the petitioners has suffered individual injury as a result of the impugned order, then in that case though the interest is similar it cannot be termed as common interest and in such type of cases separate Court fee is required to be paid.

4. Having heard counsel and going through the reasons of the learned writ Court, we are of the opinion that whenever interest is common or similar, whether by one stroke of pen, if the impugned notification can be set aside, one set of Court fee is only required. In the instant case, considering the relief of the petitioners, the relief as claimed is common. It is not that though by one notification their services were terminated but they have claimed different relief. This is how the common interests between the co-petitioners are to be judged in respect of payment of Court fee. This being so, we are of the opinion that if one set of Court fee is paid while challenging the impugned order in the writ petition, that is sufficient and for individual petitioners no separate Court fee is required.

5. For the reasons stated above, the impugned order is set aside. Now, the case will go back to the appropriate Court having jurisdiction to hear and decide it. With this direction, this L.P.A. is finally disposed of.