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Court : Andhra Pradesh

Decided On : Aug-08-2000

Reported in : 2000(5)ALD352; 2000(5)ALT157

Judge : Bilal Nazki, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : WP (SR) No. 37859 of 2000

Appellant : Ch. Raji Reddy and others

Respondent : APSRTC, Sec'bad and another

Advocate for Pet/Ap. : Mr. M.V. Rajaram, Adv.

Judgement :

ORDER

1. 121 petitioners filed this writ petition by paying one set of Court fee. Office has taken an objection :

'Please clarify as to bow this WP is maintainable by paying a single set of Court fee when there are 121 petitioners.'

The Counsel has replied the objection in the following terms :

'Last time we have filed two writ petitions by paying single Court fee and matter is numbered and posted before the Hon'ble Chief Justice Court. After hearing directing the petitioners to file a fresh writ petition by rising all relevant points and accordingly the two Writ Petition Nos.27132 of 1998 and 32450 of 1998 were withdrawn. Hence this WP filed with all grounds. Therefore, this WP filed with permission of the Court in the aforesaid writ petition. Hence this WP may be numbered and post before Hon'ble Court for admission.'

Office has sought orders from this Court as to whether single Court fee is to be paid or the individual Court fee has to be paid by each petitioner.

2. The respondents have issued a notification which is published in local newspapers on 31st March, 1997. This notification has been challenged by all the petitioners. Therefore, the learned Counsel for the petitioner submits that since same notification has been challenged by them they have a common cause of action and therefore can join as petitioners and are also liable to pay only one set of Court fee. Different judgments have been referred to during the hearing. One of the judgments relied by the learned Counsel for the petitioner is a recent judgment of this Court in *M. Thirupathi Reddy v. A.P. Co-operative Oilseeds Growers' Federation Ltd.*, 2000(4) ALD 1, in which certain petitioners had joined together and had paid only one set of Court fee. Those petitioners had been transferred by a single order and the Court while disposing of the objection with regard to the Court fee held :

'There is no merit on the contention of the learned Standing Counsel for the APOILFED that a single writ petition on behalf of 21 employees is not maintainable, and each petitioner shall pay a separate set of Court fee. It is relevant to note that the cause of action to file the writ petition as regards all the petitioners is common. The cause of action is the refusal of the Management of APOILFED to treat the petitioners as its employees. Since the writ petition is grounded on a common cause of action and since common relief is sought by all the petitioners, a single set of Court fee on behalf of the petitioners is sufficient.'

But, it appears that a Division Bench judgment of this Court was not shown to the Court at the time of hearing of the matter. The Division Bench of this Court in *G.*

Kondaiah v. A.P. individual petitioner to pay Court fee unless jural relationship is established, 1985 (3) APLJ 376. The Court was relying on a judgment of the Supreme Court reported in Mota Singh v. State of Haryana, : AIR 1981 SC484 . The matter is no longer res Integra and the Supreme Court has held it in clear terms as to in which cases several petitioners joining together will have to pay one Court fee or individual Court fee. In the matter before the Supreme Court, independent truck operators had filed a writ petition against liability to pay tax under a particular order. Although the same action of the State had been challenged but the Supreme Court found :

' It is too much to expect that different truck owners having no relation with each other either as partners or any otherlegally subsisting jural relationship of association of persons would be liable to pay only one set of Court-fee simply because they have joined as petitioners in one petition. Each one has his own cause of action arising out of the liability to pay tax individually and the petition of each one would be a separate and independent petition and each such person would be liable to pay legally payable Court-fee on his petition. It would be a travesty of law if one were to hold that as each one uses high way, he has common cause of action with rest of truck pliers.'

In the present case, may be all the petitioners are aggrieved of the impugned notice but all of them have a separate and distinct cause of action against such notice. I Therefore, following the Supreme Court judgment I hold that, unless the petitioners in between themselves have a jural relationship even if they challenge the same order it will not amount to having same cause of action. The impugned order may be one but cause of action to the petitioners definitely is separate of each other. One's cause of action is not dependent on another's cause of action.

3. Therefore, in view of the law laid down by the Supreme Court and the Division Bench of this Court to which references have been made herein above, I am of the view that the petitioners have to pay the Court fee individually. They may deposit the Court fee within one week. The petition be listed thereafter.