
(2000) 07 PAT CK 0104
In the Patna High Court
Case No : C.W.J.C. No. 5936 of 2000

Ram Nandan Sharma and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-07-2000

Acts Referred:

Citation : (2001) 3 PLJR 53

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In this writ petition all the 33 Petitioners have joined together seeking (sic) common writ; order or direction, though in their individual right.

2. The office has pointed out that 32 (sic) of Court fees are wanting. Learned Counsel for the Petitioners has submitted (sic) the relief and the pause of action (sic) common, no separate set of Court- (sic) is required, to be filed and all the Petitioners can pursue the matter jointly on payment of one set of Court-fee. In support (sic) learned Counsel for the Petitioners has (sic) reliance on a Division Bench (sic) of this Court in the case of Smt. Krishna Pati Devi Ors. Vs. The State of Bihar Ors., .

3. The decision in the case of Smt. Krishna Pati Devi v. State of Bihar (supra) is not directly applicable in the facts of the present case as it was a case where by one notification several persons were affected and jointly challenged the validity of the said notification. Under such circumstances, this Court held that whenever interest is common or similar, whether by one stroke of pen, if the impugned notification is set aside, one set of Court-fee is only required. The law on this subject is given in Halsbury's Laws of-England (Second Edition) Volume IX, paragraph 1325 at page 783 in these terms:

Two or more persons cannot join in a single application for a writ of mandamus to enforce separate claims. There must be separate applications for separate

writs, and this although the several Applicants are successors in the office in respect of which the claim arise. (Quotation extracted from the Division Bench judgment of this Court in the case of Bishwaranjan Bose and Others Vs. The Honorary Secretary, Ram Krishna Mission, Vivekanand Society and Others, .

4. Thus, what is relevant is that two or more persons cannot join in a single application for a writ of mandamus to enforce separate claims, but where the claims are same and against the same authority, two or more persons can join in a single application for a writ of mandamus.

5. In the present case, the claim of all the Petitioners are one and the same as against the same Respondent authorities. As such, this Court does not find any reason for requiring them to pay 32 sets of additional Court-fee for the remaining 32 Petitioners. Defect No. (c) with respect to 32 sets of Court-fee wanting pointed out by the office is, thus, overruled.