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**PRESS RELEASE
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**Originating Summons No. 196 of 2012
Vellama d/o Marie Muthu v. Attorney-General**

1. In a judgment dated 1 November 2012, Justice Philip Pillai (“**Pillai J**”) decided to make no order as to costs for all the applications in Originating Summons No. 196 of 2012 including:
 - (a) the Plaintiff’s application for leave (i.e. permission) to apply for a Mandatory Order against the Prime Minister to call a by-election in Hougang Single-Member Constituency (“SMC”) in Originating Summons No. 196 of 2012 (“**leave application**”)¹; and
 - (b) the Plaintiff’s substantive application for the said Mandatory Order and the Declarations that the Prime Minister does not have unfettered discretion to decide whether and when to announce by-elections in Hougang SMC (“**substantive application**”).²
2. As parties had agreed that there should be no order as to costs for the interlocutory applications, the only dispute before Pillai J was whether the Attorney-General should be entitled to recover costs in relation to the Plaintiff’s leave application and substantive application.
3. The Attorney-General had sought costs as substantial public resources were incurred in defending the Plaintiff’s application which the Attorney-General had always maintained to be entirely misconceived, and which could no longer be sustained after the by-election for Hougang SMC was called on 9 May 2012. The Attorney-General had also expressly invited the Plaintiff on at least two occasions in May 2012 to discontinue the proceedings with no order as to costs, but the Plaintiff chose not to do so.

¹ Leave was granted by Pillai J as the threshold at the leave stage was “*very low*”.

² The Plaintiff’s substantive application was dismissed by Pillai J on 1 August 2012.

4. In making no order as to costs for the Plaintiff's leave application and substantive application, Pillai J pronounced for the first time that there may be a departure from the general rule that costs follow the event in judicial review proceedings where a matter raises public law issues which are of general importance even when the applicant has no private interest in the outcome of the case. This is new law as the Singapore Courts have hitherto not considered or recognised that these factors would warrant a departure from the general rule that costs follow the event. The Plaintiff's counsel has also reportedly stated that Pillai J's judgment was "*historic*" (*The Straits Times*, 3 November 2012).
5. As Pillai J's decision has raised a question of general principle decided for the first time in the Singapore Courts, upon which further argument and a decision of the Court of Appeal would be to the public advantage, the Attorney-General has today applied for leave to appeal to the Court of Appeal against this aspect of Pillai J's decision.
6. The Attorney-General's objective in making this application is to give the apex court of Singapore the opportunity to consider and clarify this issue of public importance.

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