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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. On 28 February 2012, the Speaker of Parliament announced that the seat in Parliament for Hougang Single Member Constituency (“SMC”) had become vacant.
2. On 2 March 2012, Mdm Vellama d/o Marie Muthu (the “Plaintiff”) filed an application under Order 53 of the Rules of Court (“ROC”) seeking leave (i.e. permission) from the High Court to apply for:
 - a. a Declaration that the Prime Minister does not have unfettered discretion (i) in deciding whether to announce a by-election in Hougang SMC; and (ii) to decide when to call a by-election in Hougang SMC and must do so within three months or such reasonable time as the Court deems fit; and
 - b. a Mandatory Order to be issued against the Prime Minister directing him to advise the President, within 3 months or such reasonable time as the Court deems fit, to issue a Writ of Election mandating a by-election in the Hougang SMC.

The Plaintiff’s leave application

3. The Plaintiff’s application for leave was heard by Justice Philip Pillai (“Pillai J”), a High Court Judge, on 30 March 2012 in chambers. On 3 April 2012, Pillai J informed parties of his decision to grant leave to the Plaintiff. He also directed

that the Plaintiff's substantive application be heard on 16 to 17 April 2012, in light of the Plaintiff's claim that her application was urgent and upon the request of the Plaintiff's Counsel for an early hearing date.

AGC's appeal against grant of leave and application for expedited appeal and the Plaintiff's application to strike out the AGC's Notice of Appeal

4. On 4 April 2012, the AGC appealed to the Court of Appeal against Pillai J's decision to grant leave to the Plaintiff. The AGC also applied for the appeal to be heard on an expedited basis, being mindful of the claim of the Plaintiff that her application was urgent. On 5 April 2012, Judge of Appeal Andrew Phang ("Phang JA") directed that the AGC's appeal be fixed for hearing after Pillai J issues his grounds of decision.
5. On 10 April 2012, the grounds of decision were furnished. On 12 April 2012, Phang JA granted the AGC's application for the appeal to be heard on an expedited basis. On 13 April 2012, the Plaintiff filed a summons seeking to strike out the AGC's Notice of Appeal. The hearing of both the AGC's appeal and the Plaintiff's application to strike out the AGC's Notice of Appeal was fixed before the Court of Appeal on 16 May 2012.

The calling of By-election in Hougang SMC

6. On 9 May 2012, the Prime Minister advised the President to issue the writ of election calling for a by-election in Hougang SMC and the writ was issued on the same day.

7. On 10 May 2012, Mr M Ravi was reported to have told the Straits Times on 9 May 2012 that he was not deterred and would make appropriate submissions in Court. On 10 May 2012, the AGC wrote to Mr M Ravi to seek confirmation of the Plaintiff's position, as reported in the Straits Times. On 11 May 2012, Mr M Ravi replied in the affirmative. After the close of business on the same day, Mr M Ravi wrote a second letter to the AGC indicating the intention of the Plaintiff to withdraw her application. On 13 May 2012, he wrote to AGC to retract the Plaintiff's decision to withdraw her application.

The Court of Appeal hearing on 16 May 2012

8. On 14 May 2012, the AGC wrote to Mr M Ravi to inform that the AGC will be withdrawing the appeal against the High Court Judge's decision as there is nothing of controversy for the Court to resolve. On the same date, the AGC wrote to the Registrar, Supreme Court to inform the Court of the AGC's intention.
9. On 16 May 2012, the parties appeared before the Court of Appeal and the AGC withdrew its appeal against the High Court Judge's decision. The AGC's position, which was submitted before the Court of Appeal, is that there is no substantive controversy for the Court to resolve and it would be an abuse of process for the Plaintiff to continue with her application under Order 53. This is because the entire subject matter of the application as seen from the application that was filed concerned the by-election that was sought in relation to the Hougang SMC and in relation to that subject-matter on 9 May 2012, the Prime Minister had advised the President to issue the writ of election calling for a by-election in Hougang SMC and the writ of election was issued on the same day. However, the Plaintiff first having indicated

that she would withdraw her application subsequently refused to do so. The Court of Appeal allowed the AGC's application to withdraw the appeal.

Present Status of the Application

10. On 28 May 2012, parties attended a Pre-Trial Conference ("PTC"), which was requested by Mr M Ravi on an urgent basis. At the PTC, Mr M Ravi asked for the hearing date of 28 to 29 Jun 2012 earlier fixed by the Court for the substantive hearing to be postponed to a later date. The Court vacated the hearing date and has not scheduled a new date.

11. On 30 May 2012, Mr M Ravi served the summons for the substantive hearing

12. On 31 May 2012, the AGC applied to strike out the summons on the grounds that it is frivolous or vexatious and/or an abuse of the process of the Court. Given the calling of the by-election on 9 May 2012, and the by-election on 26 May 2012, the AGC maintains the view that the entire substratum of the proceedings has gone and it would be an abuse of the process of court for the Plaintiff to continue the proceedings. Parties are awaiting court hearing dates for the application of the AGC.

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