

THE HIGH COURT OF TRIPURA

AGARTALA

W.P(C) No. 309 of 2013

Petitioner :

Sri Manash Debnath,
S/o. Sri Narayan Debnath,
Resident of Dhaleswar, Ashram Chowmuhani.
P.S-East Agartala, Dist. West Tripura.

By Advocate :

Ms. S. Deb Gupta, Adv.

Respondents :

- 1. Union of India,**
Ministry of information & Broad casting,
Government of India, Represented by
Secretary of the Information & Broad-Casting,
West Block-8, Wing 2, R. K. Puram, New
Delhi-110066.
- 2. The Chairman,**
Press & Registration Appellate Board, Soochna
Bhawan, 8-CGO Complex, Lodhi Road, New
Delhi-110003.
- 3. The District Magistrate & Collector,**
West Tripura District, (Judicial Section),
Agartala, West Tripura.
- 4. The Registrar,**
Office of the Registrar of Newspapers for
India, West Block-8, Wing No.2, R. K. Puram,
New Delhi-110066.
- 5. Sri Jiban Chakraborty,**
S/o. Lt. Sachindra Ch. Chakraborty, Lake
Chowmuhani, Pragati Road, Agartala, West
Tripura.
- 6. Smt. Sadhana Guha,**
W/o. Sri Nihar Ranjan Guha,
Resident of Lake Chowmuhani, Pragati Road,
Agartala, West Tripura.
- 7. Smt. Sikha Deb,**
W/o. Late Dhiraj Guha,
Resident of Lake Chowmuhani, Pragati Road.
Agartala, West Tripura.

By Advocates :

Mr. A. Lodh, Adv.
Ms. R. Guha, Adv.
Mr. D. K. Biswas, Adv.

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing : **4th March, 2015.**

Date of Judgment & Order : **10th April, 2015.**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER

By means of this writ petition the petitioner has challenged the order dated 12.08.2013 passed by the Press & Registration Appellate Board whereby the application for restoration filed by the petitioner has been dismissed with the following order:

"Order
Dated: August. 12, 2013

The Appellate Board has considered the restoration application of the appellant but is not inclined to restore the Appeal."

[2] It is not necessary to give the detailed facts of the case. It would, however, be pertinent to mention that the District Magistrate and Collector, West Tripura had vide his order dated 29.11.2010 in exercise of the powers vested in him under Section 8B(iv) of the Press And Registration of Book Act, 1867 (for short, the PARB Act) cancelled the declaration of Sri Manash Debnath made under Section 5 in Form A before the SDM, Sadar with all consequences.

[3] Aggrieved by the said order the petitioner had filed an appeal before the press & Registration Appellate Board (for short the Appellate Board) which appeal was dismissed in default on 30th November, 2012. Thereafter the petitioner filed an application for restoration of the appeal which has been dismissed on 12.08.2013 vide the order quoted hereinabove. The case of the

petitioner is that no intimation was ever given to him about the fixing of the date by the Appellate Board.

[4] I have been taken through the documents and it appears that actual dates were not given in the case and the application for restoration has been dismissed in default without even given a hearing to the petitioner.

[5] At this stage, I would like to make it clear that the petitioner has urged before this Court that even the order dismissing the appeal in default is illegal and should be set aside since the petitioner had no intimation of the date of appeal. I am however, not going into this matter because if the order dated August 12, 2013 is set aside then the Appellate Board after giving hearing to both the sides must decide whether the restoration application is to be allowed. This cannot be done by this Court. At this stage, it would be pertinent to mention that Ms. Rumela Guha has vehemently opposed the petition and she has placed reliance on the judgment of the Apex Court in ***Noor Mohammed Vs. Jethanand and Another : (2013) 5 SCC 202***. I find that this judgment is not at all relevant in this case. It was urged by Ms. Guha that it is the duty of the party to find out the date in every case. I am not at all in agreement with this submission. Parties cannot be presumed to know the calendar of the Courts or other judicial authorities. It is for the Court or the judicial authority to decide whether actual date is to be given and if dates are given in the presence of the parties or their counsel then the parties or counsel must be present on the next date. However, in case dates are not given then it is the duty of the Court or the judicial authority to ensure that notices are issued and served upon the parties informing all of them about the date fixed. Therefore, the contention of Ms. Guha is rejected.

[6] In view of the discussion the petition is allowed. The order dated 12th August, 2013 passed by the PRAB is set aside and the Appellate Board is directed to consider the restoration application afresh after giving reasonable opportunity to the petitioner as well as the private respondents to put forth their cases.

[7] The petition is disposed of in the aforesaid terms. No order as to costs.

CHIEF JUSTICE