

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26258 OF 2011

ORDER

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The case of the petitioner is that he is the Editor of Alaya Darshini Devotional Monthly Magazine being published from Hyderabad and having circulation throughout the state of Andhra Pradesh since nearly a decade and the same is registered vide registration No.07722/01/1/2002, dated 14.08.2002. The object of the Magazine is to focus on the temples and its history and other advertisements relating to particular temples will be published in the magazine with the cooperation of concerned Executive Officers of the temples and other officials of the Endowment Department. It is stated that whenever an Executive Officer or any other authority wants to get published the matter or advertisement of the concerned temple in the petitioner's Magazine, they place release orders with a request for publication in the magazine and the petitioner places the bills towards charges for such publication. While so, a circular was issued vide proceedings No.U1/MISC.APSIC/05191/2011, dated 24.08.2011 directing all the Executive authorities of the temples in the state of A.P., and other institutions not to give any advertisements for publication in the petitioner's magazine on the ground that there are certain allegations against the petitioner. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by respondents 2 and 3 disputing the registration of petitioner's magazine. It is stated that the petitioner himself creates release orders by forging the signatures of Executive Officers of temples and submits the bills along with the forged release orders. The Executive Officers informed the same to the respondent authorities and to the A.P. State Information Commission under the RTI Act in the 2nd appeals filed by the petitioner against several temples. It is stated that a letter No.814/CIC/2011, dated 01.02.2011, along with a complaint filed by the Advocates of High Court of A.P. was received from the A.P. Information Commission under RTI Act requesting the Commissioner to take appropriate action against the petitioner stating that the petitioner is collecting huge amounts from Executive Officers for printing documentary on the temples, though there were no release orders from them

and that he is collecting the amounts by threatening the E.O's under the guise of the Press. If the E.Os refuse to pay the amounts, he is filing applications under RTI Act for voluminous and long period information which is not practically possible to provide. It is also stated in the counter that the petitioner has filed representations before respondents 2 and 3 contending that the Executive Officers of various temples in the State having issued advertisements to his magazine failed to pay the bill amounts. The petitioner also went on hunger-strike before the office of the 3rd respondent demanding to issue instructions to the Executive authorities for payment of bill amounts to him and that when instructions were issued to the Executive authorities, they reported that they have not issued any advertisements to the petitioner's magazine and the release orders furnished by the petitioner are forged and fake. The then Commissioner of Endowments gone through the release orders submitted by the petitioner and found that the signatures of Executive officers were forged and some of the Executive Officers paid the amounts under threat of fear, though no release orders were issued by them. When the petitioner was asked to submit original release orders, he failed to submit them stating that he has already submitted the original release orders to the then Deputy Commissioner. The petitioner also filed appeals before the A.P. State Information Commission against the 3rd respondent and the E.Os and that the State Information Commission passed orders on 29.03.2008 observing that the information sought by the petitioner is with regard to his own personal gain interfering with the privacy of public authorities at the cost of public policy and dismissed the appeals. The petitioner instead of utilizing the remedy available under the Civil Procedure Code, for recovery of so-called amounts submitted several representations to various authorities and also started filing applications under the RTI Act under the guise of the Press. Basing on the letter issued by the 1st respondent along with the complaint filed by the Advocates of High Court of A.P., the impugned proceedings were issued in the interest of the temples.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

A perusal of the impugned order goes to show that no notice was issued to the petitioner, and it is not clear under which provision of law, the same was

issued. Though the respondents have denied that the petitioner's magazine has not been registered, the proceedings issued by the office of the "Registrar of Newspapers for India" on 26.12.2002 goes to show that the same is registered. Even otherwise, without issuing notice, such an order could not have been passed instructing the E.Os not to give advertisements to the petitioner's magazine. If the petitioner is misusing the provisions of RTI Act or seeking amounts from the E.Os without there being any release orders, the respondent authorities ought to have taken appropriate action as per law or should have initiated prosecution against the petitioner. But without resorting to the same, they have issued impugned proceedings in violation of the principles of natural justice. In view of the same, the impugned order is liable to be set aside.

Accordingly, the writ petition is disposed of setting aside the impugned order. However, it is open for the respondents to take action against the petitioner, in accordance with law. Further this Court cannot issue a mandamus to the respondents directing them to give advertisements to the petitioner for publication in the petitioner's magazine. If the petitioner is entitled, the respondent-authorities are to consider relevant guidelines and the Rules applicable. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 23.09.2015

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