

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.2286 OF 2016

Vijay s/o Haribhau Nikalje,
Age-35 years, Occu:Social Worker,
R/o-Bhausingpura, Aurangabad,
Tq. & Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Home Department, Mantralaya,
Mumbai-32,
- 2) The Commissioner of Police,
Aurangabad, Tq. & Dist-Aurangabad,
- 3) The Collector, Aurangabad,
Tq. & Dist-Aurangabad.

...RESPONDENTS

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Mr.Gourav L. Deshpande Advocate for Petitioner.
Mr.S.S. Dande, A.G.P. for Resp. Nos.1 to 3.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 26TH FEBRUARY, 2016

ORDER :

1. The Petitioner is praying for issuance of

directions imposing restraint on publication of a Book "Christ Parichiya" which is allegedly likely to be published on 26th February 2016.

2. It is not made clear in the Petition as to who is publisher of the Book. Neither the publisher is made party to the Petition nor the author. Presumably the author of the Book is dead. The Book was published in the year 1946 and as such there is no question of further publication of the Book. What appears is, a new edition is being brought into the market. The Petitioner alleges that feelings of religious community i.e. Christians are likely to be offended as a result of certain derogatory and objectionable contents written in the Book. What are those objectionable contents and what is derogatory material, is not quoted in the Petition. The Petitioner, in all probabilities, has not read the Book. Apart from this, if nothing untoward has happened since the first publication of the Book in the year 1946,

there is no reason to believe that the Book is likely to bring about inimical feelings amongst two religious groups. Even if the Petitioner has such a reasonable apprehension, it is open for him to avail of the remedies available in law.

3. The aspect of maintainability of the Petition also deserves to be considered. The Petitioner is seeking writ against private individual, who is not made party to the Petition. The party against whom an order of stay is directed, firstly, is not made party to the Petition and secondly, does not come within the definition of "State" within meaning of Article 12 of the Constitution of India. The Petition in the present form is not entertainable. If at all the Petitioner holds opinion that his feelings are hurt or there is any breach of the provisions of law, it would be open for him to approach the alternate forum provided under law.

4. For the reasons stated above, Petition does not deserve consideration. The Writ Petition stands rejected, with liberty as aforesaid.

[A.I.S. CHEEMA, J.]

asb/FEB16

[R.M. BORDE, J.]