

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.26846 of 2015

and

M.P.No.1 of 2015

Captain A.Nagarajan IAS (retd.)

... Petitioner

-Vs-

1. The Union of India,
Rep. By the Secretary,
Ministry of Information and
Broadcasting, Shastri Bhawan,
New Delhi.
2. Aravind Kejriwal,
Chief Minister,
Govt. of the National Capital Territory
of Delhi, A-Wing, 5th Floor,
Delhi Secretariat, New Delhi.
3. Govt. of the National Capital Territory
of Delhi, Rep. By its Chief Secretary,
A-Wing, 5th Floor, Delhi Secretariat,
New Delhi.
4. The Secretary,
Aam Admi Party, Chennai Office,
23, Kannadasan Salai,
T.Nagar, Madras-17.
(R-4 impleaded and R-2 amended as
per Order dt.24/8/2015 in Mps.1 &
2 of 2015 in WP.SR93070/2015)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to implement the Governmental Advertising (Content Regulation) Guidelines, 2014 and consequently appoint a three member body to regulate Government Advertising in line with the guidelines framed by the Supreme Court in W.P. (C) 13/2013 dated 13.05.2015.

For Petitioner : Mr.V.Raghavachari
for Mr.Avinashi Wadwani

For Respondents : Mr.B.Rabu Manohar,
SPCCG, for R-1
: Mr.Nalin Chauhan
Party-in-person for R-3
: Mr.M.Velmurugan for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Respondent no.3 has entered appearance through Mr.Nalin Chauhan, Deputy Director, Department of Information and Publicity and requests for a copy of the complete petition. Registry to supply a complete set on endorsement.

2.Mr.M.Velmurugan, learned counsel, has now entered appearance for respondent no.4.

3.Learned counsel for the first respondent states that the Three Member panel for selection of Three Member Committee which was constituted has held its meeting on 31.03.2016 and in accordance with the directions of the Hon'ble Supreme Court dated 13.05.2015, the Three Member Committee has been constituted as under:

- (1) Shri.B.B.Tandon, Former Chief Election Commissioner of India, as Chairperson;
- (2) Shri.Rajat Sharma, Chairman and Editor-in-Chief of India TV and President of the News Broadcasters Association as Member; and
- (3) Shri.Piyush Pandey, Executive Chairman and Creative Director, South Asia, Ogilvy & Mather, as Member.

4.Shri.N.V.Reddy, Additional Director General, Directorate of Advertising and Visual Publicity (DAVP) would be the Member Secretary of the Three Member Committee.

5.The guidelines of the Three Member Committee have also been placed before the Court.

6.In view of the constitution of the Committee, learned counsel for the petitioner agrees that the complaint made against respondents 3 and 4 can be referred to the Committee. This is in the context of, inter alia the broad submission of the petitioner that the funds of respondent no.3 have been utilised for giving publicity for fourth respondent as it was in the local edition in Tamil Nadu circulation, while that would

have no relevance to the work carried out by the third respondent in its seat of power.

7. In order to avoid any further complication, learned counsel for the petitioner states that a comprehensive representation based on the material placed before us or any other material would be made to the now constituted Committee for consideration at an early date. Needless to say, on such a representation / complaint being made, the Committee would examine the same in accordance with the guidelines framed by the Committee.

8. Writ Petition stands disposed of in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of India,
Ministry of Information and
Broadcasting, Shastri Bhawan,
New Delhi.
2. The Chief Secretary,
Govt. of the National Capital Territory
of Delhi, A-Wing, 5th Floor,
Delhi Secretariat, New Delhi.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.22663
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.22584
+1cc to Mr.Avinashi Wadwani, Advocate, S.R.No.22793

W.P.No.26846 of 2015

SR(CO)
CA(25/04/2016)