

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.38486 of 2016 &

W.M.P.Nos.32963 to 32965 of 2016

V.Jothi .. Petitioner
Vs.

1. The District Magistrate,
Office of the District Magistrate,
Puducherry.
2. The Deputy Collector (Revenue) cum
Sub Divisional Magistrate - North,
Puducherry.
3. The Section Officer/Registration Supervisor,
Office of the Registrar of Newspapers for India,
Title Section,
West Block 8, Wing No.2,
R.K.Puram, New Delhi - 110 066.
4. Bharath ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the first respondent's proceedings in No.11368/DM/RO/D2/2016/1, dated 21.10.2016 whereby the declarations made by the petitioner under section 5 of the Press and Registration of Books Act, 1867 was cancelled and circulation of weekly magazine "Seithi Oli" was ordered to be stopped and quash the said proceedings and order as illegal.

For Petitioner : Mr.J.Suresh

For Respondents : Mrs.Reena Iswarya
Government Advocate(Puducherry)- R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate, who takes notice for the first and second respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. The case of the petitioner is that the petitioner is the publisher, owner and editor of the weekly magazine "Seithi Oli" and the fourth respondent had consented to print the weekly magazine vide his letter dated 26.06.2015 and he has also signed the declaration for printing the Weekly as per the section 5 of the Press and Registration of Books Act, 1867 before the first respondent and the same was also duly authenticated by the first respondent on 30.06.2015. The said weekly began to expose all the wrongdoings of the executives of Puducherry. This angered the entire executive and ruling class and sought illegal and devious ways to suppress the Weekly and see that no issue comes out of it. The said persons also threatened the printer of the petitioner, i.e., the fourth respondent not to publish the said Weekly. While so, the first respondent issued a show cause notice dated 06.10.2016 stating that a complaint dated 03.10.2016 was received from one Thirunavukarasu stating that the weekly magazine was not being printed at the fourth respondent's printing press, hence calling upon the petitioner to show cause why declaration given to the petitioner cannot be cancelled, within 7 days from the receipt of the notice. A copy of the said complaint was not furnished to the petitioner. However, the petitioner gave a suitable reply to the first respondent stating that the fourth respondent has only informed the petitioner that there is a political pressure for printing the weekly magazine of the petitioner and at no point of time he has refused to print the magazine of the petitioner and requested the first respondent to give a personal hearing to the petitioner. The first respondent without giving the petitioner proper opportunity and without considering the reply of the petitioner, has passed the impugned order cancelling the declaration and directed the petitioner not to circulate the said weekly magazine. The said Order of the first respondent is not as per law and is liable to be quashed. Hence, the petitioner has come forward with the present Writ Petition.

3. Today, when the matter was taken up, the learned Government Advocate submitted that as against the order of the first respondent, there is an appeal provision available to the petitioner and as such the petitioner cannot file the present Writ Petition as against the order of the first respondent.

4. As rightly pointed out by the learned Government Advocate, the petitioner has to file an appeal before the appropriate authority.

5. With the above observation, this Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

vrc

Sd/-
Assistant Registrar (CS-)

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To

1. The District Magistrate,
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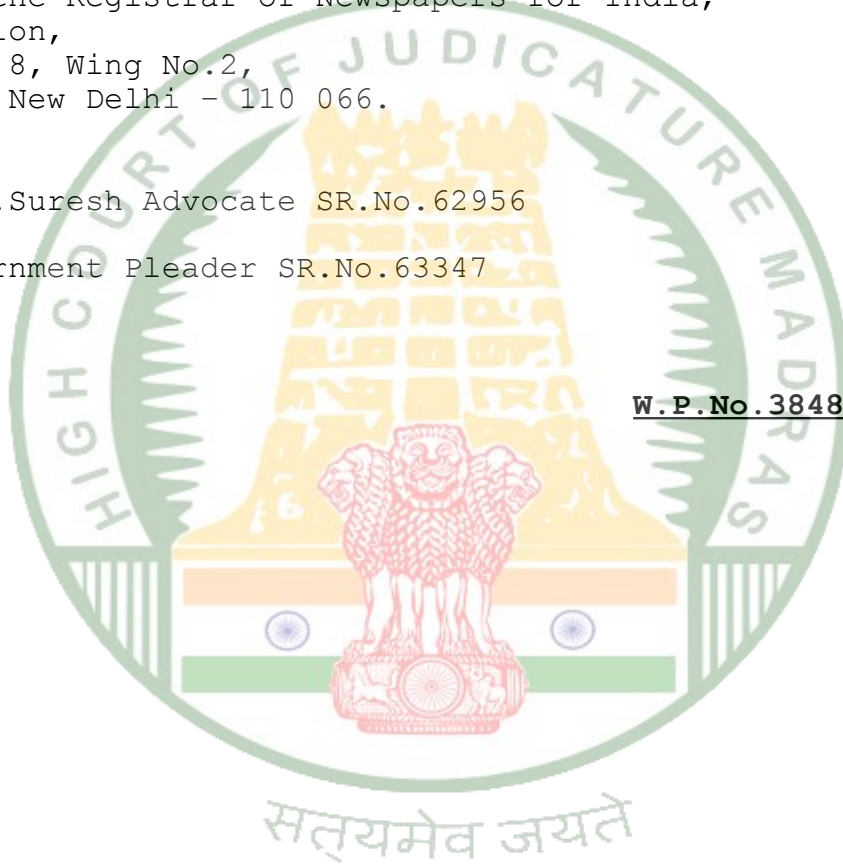
+1 CC Mr.J.Suresh Advocate SR.No.62956

+1 CC Government Pleader SR.No.63347

W.P.No.38486 of 2016

CP [CO]

MSI 29/12/2016



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