

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Order delivered on: 13<sup>th</sup> October, 2014

+ **CS(OS) 3109/2014**

Dr. MUKUL M. SANGMA ..... Plaintiff  
Through Mr.Atul Chitale, Sr. Adv.  
with Mrs.Suchitra A.  
Chitale, Ms.Jayati Chitale  
and Mrs. Sanyukta  
Mukherjee, Advs.

versus

P.A. SANGMA & ORS. .... Defendants  
Through None.

**CORAM:**  
**HON'BLE MR.JUSTICE MANMOHAN SINGH**

**MANMOHAN SINGH, J. (Oral)**

**I.A. No.19950/2014**

The above mentioned application has been filed by the plaintiff under Section 149 read with Section 151 CPC for paying the deficient court fee. Learned Senior counsel for the plaintiff states that the plaintiff has applied for remaining court fee and the same shall be deposited within two weeks from today. In view of the said statement, the application is disposed of.

**I.A. No.19949/2014**

The above mentioned application has been filed by the plaintiff for exemption from filing the original documents. Let the original

documents/certified copies be filed two weeks prior to admission/denial of the documents.

The application is disposed of.

**CS(OS) 3109/2014**

Let the plaint be registered as a suit.

Issue summons to the defendants, on filing of process fee and registered AD covers within one week, returnable on 24<sup>th</sup> November, 2014. Dasti in addition.

**I.A. No.19948/2014 (u/o XXXIX R 1 & 2 CPC)**

1. Notice for the date fixed.
2. Learned Senior counsel for the plaintiff is pressing for ex-parte ad-interim order.
3. This is a suit filed by the plaintiff for a sum of Rs.25 crores being compensation towards the damage caused to the plaintiff due to the alleged defamatory remarks made by defendant No.1 against the plaintiff and published by defendant Nos.2 and 3.
4. Brief facts of the case are that the plaintiff is the Chief Minister of the State of Meghalaya since the year 2010 and leader of the Indian National Congress Party in the State of Meghalaya. He is one of the longest serving Chief Ministers of the State and claims that the State has achieved new heights of progress, development in the last 5 years. Under his leadership, the human resource development and education has improved in the State despite the fact that the State suffers from problems of militancy.
5. Defendant No.1 is also a politician and was a former Chief Minister of the State of Meghalaya. Defendant No.2 runs a 24 hour

English News channel under the name of “Times Now”. Defendant no. 3 is a newspaper which is the oldest English language daily in north-east India being in wide circulation since 1945.

6. It is the case of the plaintiff that pursuant to the militant attacks in the State of Meghalaya, defendant no. 1 made certain defamatory remarks against the plaintiff on 16<sup>th</sup> January, 2014 while addressing a press conference alleging that the plaintiff is the Chairman of all militant groups operating in Meghalaya. The said statements made by defendant No. 1 were published in the daily newspaper of Defendant no.3 on 17<sup>th</sup> January, 2014 in which it was alleged that defendant No.1, while addressing a press conference in Shillong, made a number of slanderous/libelous statements against the plaintiff. The defamatory statements of defendant No.1 as published on the front page of the defendant No.3 on 17<sup>th</sup> January, 2014 under the headline: “Mukul the chairman of all militant outfits: Purno”, are as follows:

“Coming down heavily on Chief Minister Dr. Mukul Sangama for his alleged nexus with militant outfit ANVC-B, National People’s Party (NPP) supremo and arch rival of the Congress, Purno A Sangama on Thursday termed the Chief Minister as the ‘common chairman of all militant outfits operating in the State’

“Who is the chairman of GNLA, ANVC and ANVC-B ? He (Mukul Sangma) is the common chairman of all these militant groups.”

“our Chief Minister himself gets involved with militants”

“The Government has literally surrendered to militants”

“The Meghalaya Government has mislead the Union Government and they are illegally and unconstitutionally inviting ANVC-B for talks.”

“It is neither the Constitution nor the law, but only the wish of the Chief Minister that applies in Meghalaya.”

7. It has been stated by the plaintiff states that the defamatory statements of defendant No.1 were once again published by the defendant No.3 in its newspaper dated 19<sup>th</sup> January, 2014 which is reproduced herein below:

“Who is the chairman of GNLA, ANVC and ANVC-B? Mukul (Sangma) is the common chairman of all these groups.”

“In Meghalaya, everything is going merrily. What can be the worst criminalization of politics than the Chief Minister himself being involved with militancy?”

8. As per the case of the plaintiff, in furtherance of his design to defame the plaintiff, the defendant No.1 in an interview given on 4<sup>th</sup> June, 2014 to the national news channel, “Times Now” run by defendant No.2 once again made defamatory statements against the plaintiff. This interview of defendant No.1 was aired nationwide including in Delhi, causing immense harm to the reputation of the plaintiff. While being interviewed by a journalist of Times Now, the defendant No.1 made the following categorical statement:

“I gave a statement that Chief Minister is the Chairman of all insurgent groups. So how can law and order situation be controlled in Meghalaya when CM himself is involved”

9. Learned Senior counsel for the plaintiff submits that the allegations made by defendant No.1 are baseless and without any

back-up evidence. He submits that the defendant No.2 has telecasted the statement and alleged allegations by defendant No.1 without the view point taken from the plaintiff. He has referred the decision of Calcutta High Court in the case of ***Tata Iron and Steel Co. Ltd. Vs. Observer (India) Limited*** (1999) ILR 2 Cal 358 wherein, the Calcutta High Court in similar circumstances has granted the reliefs including an interim order after *inter-alia* observing that members of the Legislative Parties representing the public at large are part of important wing of the democracy. Therefore, as and when such a person makes a comment as against other, he must know his limitation. Mud throwing neither can help the political parties nor can help the Indian democracy.

10. Learned Senior Counsel also submits that admittedly, defendant no.1 is the former Chief Minister of Meghalaya. He has also held the office of Speaker of Lok Sabha and has been a member thereof for eight terms. He is the supremo of National People's Party. Being a responsible and matured politician, defendant no.1 is expected not to make such statements which are baseless and frivolous and ought to be more careful and responsible while addressing the media.

11. In view of the statements so made and the impact it has made in tarnishing the reputation of the plaintiff, the learned Senior counsel is pressing for an interim order at this stage.

12. In Para 25.2 of Gatley on Libel and Slander (10th Edition), it is stated:

“Thus the Court will only grant an interim injunction:

- (1) the statement is unarguably defamatory;
- (2) there are no grounds for concluding the statement may be true;
- (3) there is no other defence which might succeed;
- (4) there is evidence of an intention to repeat or publish the defamatory statement.”

13. It is correct that freedom of expression in press and media is the part of Article 19(1) of the Constitution of India where by all the citizens have a right to express their view. However, the said right of the expression is also not absolute but is subjected to the reasonable restrictions imposed by the Parliament or State in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of Court, defamation or incitement to an offence. The said position is clear from the plain reading of the Article 19(1) and (2) of the Constitution of India.

14. The right to press and its freedom to express the ideas in public has always been the integral part of healthy democracy and the prior restraint on the publication was considered to be acceptable under the earlier line of authorities. The Courts have always indicated that the fine balance is required to be made so that the said liberty of press should not be uncontrolled or regulated by laws including the laws relating to public order, contempt etc and the

same is subject to reasonable restrictions as per the Article 19 (2) of the Constitution of India.

15. In the light of above-said, it appears to the Court in the present matter that the plaintiff has made a strong prima facie case in his favour. Balance of convenience is also in his favour. In case interim order is not passed, the plaintiff would suffer irreparable loss and injury if there would be a repeat of the statement of defendant No.1 and telecast of such statement without any verified and cogent evidence on television and other modern media including newspapers and internet. The plaintiff would suffer loss in his image which is irreparable in future even in monetary terms. Thus the case of grant of *ex-parte* injunction is made out.

16. Till the next date of hearing, the defendant No.1 is restrained from repeating the defamatory statements made on 17<sup>th</sup> January, 2014, 19<sup>th</sup> January, 2014 and 4<sup>th</sup> June, 2014 or releasing any defamatory statements in the manner already made against the plaintiff to the press/television channels or on the internet without any cogent and clear evidence. Similarly, the defendants No.2 and 3 are restrained from publishing any defamatory statements made by defendant No.1 either in the newspapers or on television or on the internet or in any other manner whatsoever without verifying the facts.

17. Compliance of Order XXXIX Rule 3 CPC be made within one week.

18. Copy of the order be given *Dasti* under the signatures of the Court Master.

**(MANMOHAN SINGH)**  
**JUDGE**

**OCTOBER 13, 2014**