



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED 04.04.2017

CORAM

**THE HONOURABLE MR. JUSTICE V. PARTHIBAN**

W.P (MD) No. 5702 of 2017

and

W.M.P (MD) Nos. 4551 to 4553 of 2017

Ramalingam

..Petitioner

Vs

1.The Registrar of Newspapers for India,  
B-2-B, Rajaji Bhavan,  
Beasant Nagar,  
Chennai - 600 090.

2.The District Collector,  
Tirunelveli District,  
Tirunelveli.

3.The Sub-Divisional Magistrate and  
the Revenue Divisional Officer,  
Tirunelveli,  
Tirunelveli District.

4.The Tahsildar,  
Palayamkottai Taluk,  
Tirunelveli District.

..Respondents.

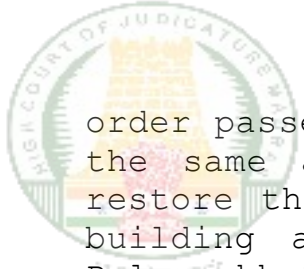
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in R.O.C.No.A5/665/2017, dated 7.3.2017 and consequential impugned order passed by the fourth respondent dated 16.3.2017 and to quash the same and consequently to direct the fourth respondent to restore the electricity connection (RHN-2135) to the Petitioner's building at Plot No.125, Brindavan Nagar, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner :M/s.V.Sasikumar

For Respondents :Mr.M.Alagathevan  
Special .Govt.Pleader

ORDER

The Petitioner has approached this Court seeking issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in R.O.C.No.A5/665/2017, dated 7.3.2017 and consequential impugned



order passed by the fourth respondent dated 16.3.2017 and to quash the same and consequently to direct the fourth respondent to restore the electricity connection (RHN-2135) to the Petitioner's building at Plot No.125, Brindavan Nagar, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District.

2.Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents.

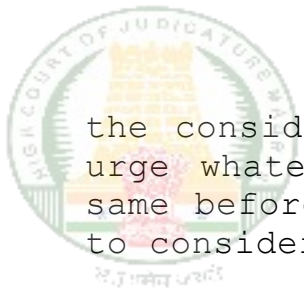
3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the petitioner, in the impugned order, dated 7.3.2017, number of irregularities were alleged against him. According to the show-cause notice, the Petitioner had violated several provisions of the Press and Registration of Books Act, 1867.The explanation offered by the Petitioner has been considered and finally the impugned order was passed on 7.3.2017 by the third respondent cancelling the declaration granted to the Petitioner under the Press and Registration of Books Act,1867, for running the daily newspaper 'Dina Tharani'. The said impugned order of cancellation is the subject-matter of challenge in this Writ Petition. According to the learned counsel for the Petitioner under Section 8-B of the Press and Registration of Books Act, 1867, opportunity of personal hearing has to be afforded to the Petitioner, which has not been done before the impugned order came to be passed. Therefore the non-affording of opportunity of personal hearing to the Petitioner, has vitiated the entire order passed by the third respondent.

5.The learned counsel for the Petitioner has also relied on a decision passed by this Court in W.P.No.17698 of 2016, dated 4.7.2016, in which, this Court has entertained the Writ Petition in similar nature and directed the authority concerned to grant an opportunity of personal hearing to the Petitioner therein and pass orders.

6.I have given my anxious consideration to the submissions made by the learned counsel for the Petitioner and perused the materials placed before this Court.

7.The final paragraph in the impugned order will clearly stipulate that, in case, the Petitioner is aggrieved by the order, he may file an appeal to the Press and Registration Appellate Tribunal within a period of sixty days from the date of receipt of a copy of the order. However, the Petitioner has approached this Court without exhausting the remedy which is effectively available to him under the above said 'Act'. Although <https://hcservices.com/its/login/hcservices> circumstances, the Writ Petition has been entertained by this Court, in the above said Writ Petition, this Court not laid down any law to be followed for all cases. Hence, I am of



the considered view that it is always open to the Petitioner to urge whatever points he may have, in his defense and urge the same before the appellate forum and it is for the appellate forum to consider all the objections of the Petitioner and pass orders .

8. Therefore, this Writ Petition without exhausting the available statutory appellate remedy, is not maintainable and therefore, the same fails and stands dismissed. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Registrar of Newspapers for India,  
B-2-B, Rajaji Bhavan,  
Beasant Nagar,  
Chennai - 600 090.

2.The District Collector,  
Tirunelveli District,  
Tirunelveli.

3.The Sub-Divisional Magistrate and  
the Revenue Divisional Officer,  
Tirunelveli,  
Tirunelveli District.

4.The Tahsildar,  
Palayamkottai Taluk,  
Tirunelveli District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.50718

+1cc to Mr.V.Sasikumar,Advocate,SR.50193

W.P (MD) No.5702 of 2017  
and

W.M.P (MD) Nos.4551 to  
4553 of 2017

04.04.2017

VSN

KK/SKN/SAR3-11.04.2017-3P-7C