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

+ **W.P.(C) 9273/2017**

SHARAT KOHLI

..... Petitioner

Through: Mr Brahmanand Gupta, Advocate.

versus

ADDL COMMISSIONER OF POLICE & ORS Respondents

Through: Mr Ankur Chhibber and Mr Bhanu
Gupta, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.10.2017

CM No.37892/2017

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a) Direct the respondents No.1 to 3 to cancel the registration of newspapers namely “ASHOKA EXPRESS” bearing registration no. DELHIN08505, “SAKSHAM BHARAT” bearing registration no. DELHIN/2001/08863, “REPUBLICAN POST” bearing registration No. UPHIN/2010/36626, “JAT TIMES PATRIKA” bearing registration no. DELHIN/2002/08970, “SAHU POST”, “TAJ EXPRESS” bearing registration no. DELHIN/2008/25864 and “PRIVARTAN

TODAY” bearing registration no.
DELHIN/2010/33890.

- b) Direct the respondent no.1 to 3 to de-register more than one newspapers existing in the name of a single person and also to frame rules so that one person cannot get registered more than one newspaper in his name.”

3. The learned counsel for the petitioner submits that an incorrect declaration had been made by respondent nos.4 to 7 and the said declaration is liable to be cancelled. He drew the attention of this Court to Section 8B of the Press and Registration of Books Act, 1867, which reads as under:-

“8B. Cancellation of declaration.—If, on an application made to him by the Press Registrar or any other person or otherwise, the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that—

- (i) the newspaper, in respect of which the declaration has been made is being published in contravention of the provisions of this Act or rules made thereunder; or
- (ii) the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any LPA 631/2010 Page 14 of 21 other newspaper published either in the same language or in the same State; or
- (iii) the printer or publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration; or

- (iv) the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a newspaper;

the Magistrate may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.”

4. It is apparent from the reading of the aforesaid provision that any person can make an application to the Magistrate for cancellation of the declaration made in respect of a newspaper. The learned counsel for the respondents points out that there is no averment in the petition which indicates that any such application has been made. In this view, the petitioner has an alternate remedy. He is at liberty to move the concerned Magistrate by filing an appropriate application to agitate his grievance regarding any declaration made by respondent nos.4 to 7; no orders are required to be passed in these proceedings.

5. The petitioner’s prayer that respondent nos.1 to 3 be directed to de-register more than one newspapers registered in the name of a single person, is unmerited. The learned counsel for the petitioner is unable to point out any provision which restricts the right of a person to print/publish only one newspaper (and not multiple newspapers).

6. The petitioner further alleges that respondent nos. 4 to 7 have printed/published defamatory articles. He also alleges that complaints of extortion and blackmailing have been made against respondent nos. 4 to 7. The petitioner is at liberty to pursue his complaints in accordance with law. Needless to mention that complaints made by other persons shall also be

considered in accordance with law and no orders are required to be passed in this petition.

7. The petition is, accordingly, disposed of with the aforesaid observations.

VIBHU BAKHRU, J

OCTOBER 24, 2017
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