

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4703 of 2018

and

WMP.No.5805 of 2018

Sri.B.Paul

Editor "Malaradigal" RNP
No.7/236, A.V.Kuppam Road,
R.K.Peta S.O. 631 303.

.. Petitioner

Vs.

1. The Post Master General
CCR, Chennai-2.

2. The Superintendent of Posts
Kancheepuram Division,
Kancheepuram.

3. The District Collector
Kancheepuram.

4. The Tahsildar
Pallipattu Taluk
Thiruvallur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the record of the 2nd respondent in No.G/RNP/dlgs dated at Kachipuram 631 501 and quash the order dated 02.09.2013.

For Petitioner: Mr.V.V.Sairam

For Respondents: Mr.T.V.Krishnamachari

Senior Panel Counsel for R1 & R2

Mr.B.Anandan

Government Advocate for R3 & R4

O R D E R

This writ petition is filed challenging the order dated 02.09.2013 passed by the second respondent, wherein and whereby, the petitioner was called upon to pay a sum of Rs.9,90,000/- immediately on the reason that there is loss of Revenue to the Postal Department due to non-production of "RNI" Certificate,

without which the petitioner availed the Postal concession under the category of "Registered Newspaper".

2. Heard Mr.V.V.Sairam, learned counsel for the petitioner, Mr.T.V.Krishnamachari, learned Senior Panel Counsel for the respondents 1 and 2 and Mr.B.Anandan, learned Government Advocate for the respondents 3 and 4.

3. The petitioner claims that a Newspaper titled "Malaradigal" was issued with "RNI" Certificate for enjoying and availing postal concession under the category of "Registered Newspaper". It is stated that the said newspaper is being published from the year 1984 onwards, by enjoying such Postal concession. However, the Postal Authorities informed the petitioner to produce the said "RNI" Certificate for the purpose of continuing the facility of Postal concession. Such communication was issued as early as in the month of August 2012 and even after receipt of it, the petitioner did not submit the said Certificate before the authorities. Thereafter, the impugned order was passed on 02.09.2013, assessing the loss of Revenue to the Postal Department as Rs.9,90,000/- and called upon the petitioner to pay the said sum immediately. Even though the petitioner received the said order, he has not chosen to challenge the same and on the other hand, he has sent a communication on 05.09.2013, stating that the said Certificate is with the respondent Department and he is not having any copy of the same.

4. Considering the above stated facts and circumstances, this Court is not inclined to entertain this writ petition, both on the ground of laches and also on the merits of the matter. First of all, the impugned order passed on 02.09.2013 is sought to be challenged only now, without there being any proper explanation for such delay. Even otherwise, this court is not in a position to appreciate the stand taken by the petitioner that the said "RNI" Certificate is with the respondent Department and he is not having even a copy of the same. A person, who is running the daily Newspaper must possess all the necessary documents and Certificates, especially, when he enjoys the Postal concession. The reasons stated by the petitioner for not producing the said document is not convincing. Therefore, I find no merits to entertain in this writ petition. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Post Master General
CCR, Chennai-2.
2. The Superintendent of Posts
Kancheepuram Division,
Kancheepuram.
3. The District Collector
Kancheepuram.
4. The Tahsildar
Pallipattu Taluk
Thiruvallur District.

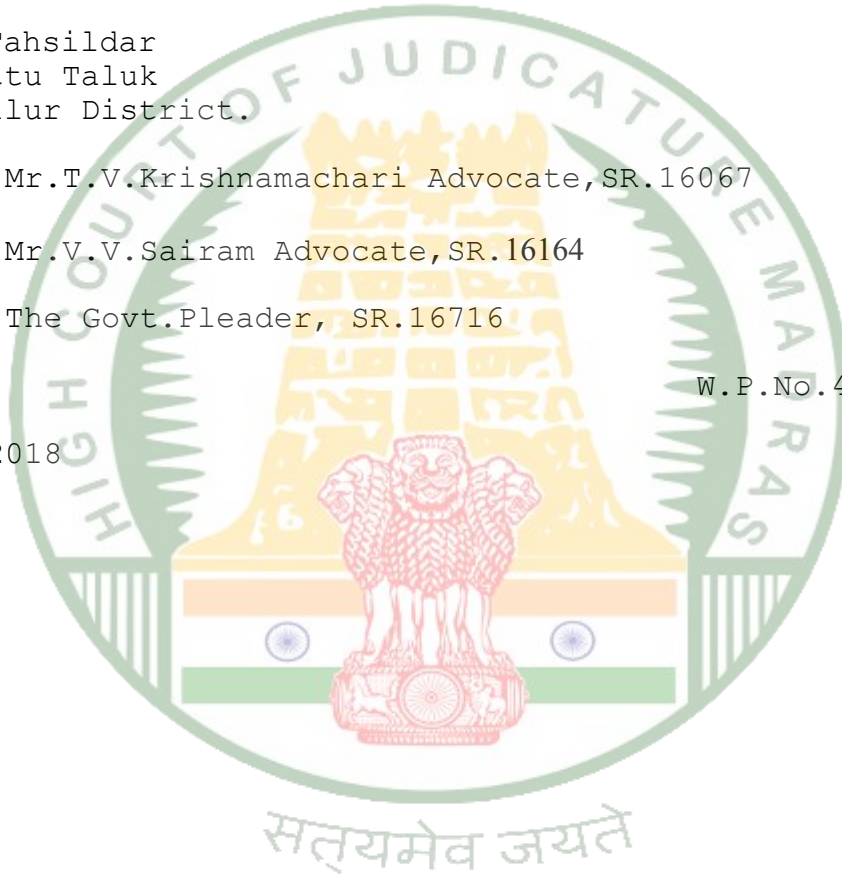
+ 1 cc to Mr.T.V.Krishnamachari Advocate,SR.16067

+ 1 cc to Mr.V.V.Sairam Advocate,SR.16164

+ 1 cc to The Govt.Pleader, SR.16716

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NR 14/03/2018



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