

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2376 of 2019 and
Crl.M.P.No.1543 of 2019

Chennai Nanbargal Nala Mandram,
Rep. By its Secretary S.Vajiravelu
[Publisher of Mandra Madal Tamil Monthly]
No.39/22, Pillaiyar Koil Street,
Saidapet,
Chennai-600 015. ... Petitioner/Respondent

Vs.

1.The Press Registrar,
Registrar of Newspapers for India (RNI)
Soochaa Bhawa, 8, C.G.O Complex,
Lodhi Road,
New Delhi-110 003.

2.P.Ramasamy ... Respondents/Petitioners

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 1st respondent to continue the postal concession given to the petitioner Newspaper Mandra Madal, which was stopped after the cancellation of declaration order dated 12.04.2018 passed in Crl.M.P.No.7640 of 2016 by the Hon'ble Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.B.Ullasavelan

For R1 : Mr.Dr.D.Simon
Central Government Standing Counsel

For R2 : No appearance

O R D E R

This petition has been filed to direct the 1st respondent to continue the postal concession given to the petitioner Newspaper Mandra Madal, which was stopped after the cancellation of declaration order dated 12.04.2018 passed in Crl.M.P.No.7640 of

2016 by the Hon'ble Chief Metropolitan Magistrate, Egmore, Chennai.

2.The petitioner viz., Chennai Nanbargal Nalamandram was started in the year 1985 by a group of volunteers, who have worked in the State and Central Government Departments as Social Service Organization and the petitioner Mandram was registered under the Tamil Nadu Societies Registration Rules, 1978. The petitioner's Mandram was also running a tamil monthly magazine "Mandra Mandal" which is a newspaper printed in the book form and posted to the members monthly at free of cost and to the non-members, who register for matrimonial advertisement on payment of Rs.10/- per issue. The Petitioner Mandram represented by its Secretary S.Vajiravelu was appointed as secretary and incharge of the Mandram after the sudden demise of the former Secretary Mr.J.K.Pudiyavan, who was murdered on 27.02.2018. One Mr.S.Kannappan was the publisher for the magazine ever since its inception and the magazine has obtained certificate of registration from Registrar of Newspapers for India and periodically renewed declaration in the year 2004 and 2008. While so, the 2nd respondent with regard to the election of executing committee members for the Mandram has filed a complaint before the Chief Metropolitan Magistrate, Egmore, Chennai, seeking to punish the petitioner for not informing the Registrar of Newspaper for India about the change of editor and printer. According to the petitioner, ever since the Magazine instituted, Mr.S.Kannapan was the publisher and he takes care of everything. Due to his age ailments, he would forgot to inform the Registrar of New Paper of India about the change of editor and printer and he voluntarily resigned. Hence, the petitioner did not know about the status of the complaint lodged before the Chief Metropolitan Magistrate, Egmore, Chennai and only during the year 2018, the petitioner was appointed as a Secretary in charge and hence, he does not know about the case particulars. Only after receiving the order copy dated 12.04.2018, he came to know about the order passed in CrI.M.P.No.7640 of 2016 cancelling the declaration of authentication in R.Dis.No.1169/2008 dated 25.06.2008 of the magazine 'Mandara Madal'. Due to cancellation of declaration, they could not print out the tamil monthly magazine 'Mandra Madal'. The petitioner has filed an appeal before the Press and Registration of Appellate Board at New Delhi. Unfortunately, the appellate board sits only once in three months and hence the same is pending. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard Mr.B.Ullasavelan, learned counsel for the petitioner and Mr.Dr.D.Simon, learned Central Government Standing Counsel for the 1st respondent.

4.It is seen that the learned Chief Metropolitan Magistrate, Egmore, Chennai, cancelled the declaration of authentication in R.Dis.No.1169 of 2008 dated 25.06.2008 for the Tamil Monthly Magazine "Mandra Madal" under Section 8B(iii) of Press and Registration of Books Act 1867. It is seen that the said impugned order was passed in Crl.M.P.No.7640 of 2016, while the main petition is pending in R.Dis.No.682 of 2016, without any prayer for cancelling the authentication of declaration made by the learned Chief Metropolitan Magistrate in R.Dis.No.1169 of 2008 dated 25.06.2008. It is also seen that without giving any opportunity to the petitioner, the impugned order has been passed. On that ground itself, the impugned order cannot be sustained.

5.Accordingly, this Criminal Original Petition is allowed and the order dated 12.04.2018 passed by the learned Chief Metropolitan Magistrate, Egmore at Allikulam in Crl.M.P.No.7640 of 2016 is set aside. Consequently, connected miscellaneous petition is also closed.

6.The Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai is directed to conduct an enquiry in RNI.No.1169 of 2008, after issuance of summons to all the parties concern and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Metropolitan Magistrate,
Egmore at Allikulam, Chennai.

2. The Press Registrar,
Registrar of Newspapers for India (RNI)
Soochaa Bhawan, 8, C.G.O Complex,
Lodhi Road, New Delhi-110 003.

+1cc to Mr.B.Ullasavelan, Advocate Sr.30329

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srg 24/04/2019