



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10640 of 2019

and

W.M.P.Nos.11115 and 12028 of 2019

Jesus Calls Trust,
No.16, Dr. D.G.S.Dhinakaran Salai,
Chennai 600 028,
represented by its Publisher of Magazines,
G.L.B.Ernest

... Petitioner

vs.

1. The Press Registrar,
Office of Registrar of Newspapers of India,
No.66, West Block - 8, Wing II,
9th Floor, Sookhana Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
2. The Superintendent,
RMS Chennai Sorting Division,
Department of Posts,
Government of India,
Egmore, Chennai 600 008.
3. The Senior Superintendent of Post Offices,
Department of Posts,
South Division - Chennai City,
Chennai 600 017.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd Respondent passed vide G.78/Patrika Channel Corr/2018, Chennai 600008, dated 22.03.2019 and quash the same and direct the 1st Respondent to issue revised RNI Certificate based on the Applications of the Petitioner dated 11.12.2017 followed with reminder dated 18.02.2019, forthwith.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mr.J.Madhana Gopal Rao,
Senior Central Govt. Panel Counsel



ORDER

Petitioner Trust has come up with this Writ Petition challenging the order of the 2nd Respondent passed vide G.78/Patrika Channel Corr/2018, Chennai 600008, dated 22.03.2019 and for a consequential direction to the 1st Respondent to issue revised RNI Certificate based on their Application dated 11.12.2017, followed with reminder dated 18.02.2019, forthwith.

2. According to the Petitioner Trust, they are the publisher of Jesus Calls monthly magazines in the languages viz. Tamil, Telugu, Kannada, Malayalam, Gujarathi and Hindi and that, the monthly magazine in English language is published by another Trustee. It is stated by the Petitioner that, all the magazines published in different languages are registered in the Office of the Registrar of Newspapers under the Press and Registration of Books Act, 1867 and the Publisher applied for concession rate of postage charges before the 2nd Respondent, who also gave an order granting concessional postage at the minimum rate of 25 paise onwards depending on the weight of the magazine concerned. Magazines which are being printed and posted by the Petitioner in different languages are being charged 50 paise per magazine from the year 2003 onwards and payments were made at the said rate till 25.03.2019.

3. It is further stated by the Petitioner that, the 3rd Respondent vide Memo No.G/RNP/Digs/2017, dated 20.12.2017, while ordering renewal for the years 2018 to 2020, stated that the said order was issued under the condition that revised RNI (Registered Newspapers of India) should be submitted within three months from the date of renewal i.e. from 01.01.2018, failing which, the RNP (Registered Newspaper Posting) Licence issued is deemed to be cancelled. According to the Petitioner, vide letter dated 11.12.2017, they sent a request to the Respondents seeking issuance of revised RNI Certificate stating that, due to enhancement of printing price, the price per copy of the magazine was revised with effect from 01.02.2012, which was already communicated to the Chief Metropolitan Magistrate, Chennai and that, individual requests for each language was submitted before the 1st Respondent. While so, the 2nd Respondent issued an order dated 22.03.2019 stating that, the Petitioner is posting the magazines under concessional rate with effect from April 2018 without valid RNI. Challenging the impugned order, the Petitioner is before this Court with the above Writ Petition.

4. Learned counsel for the Petitioner submitted that, the Petitioner had already applied for revised RNI Certificate in December 2017 itself, i.e. prior to the commencement of the renewal period of RNP licence i.e. from 01.01.2018 to 31.12.2020. While so, it is his contention that, the failure on the part of the 1st Respondent to issue revised RNI Certificate incorporating the price fixed for the magazine in spite of



submitting the Application, cannot be allowed to be put against the Petitioner by the 2nd Respondent and the same is arbitrary in nature. He further contended that, while the Application submitted by the Petitioner on 26.03.2018 before the 3rd Respondent and the request made by the Petitioner before the 1st Respondent on 18.02.2019 are pending, demanding huge amount from the Petitioner is totally unreasonable and arbitrary.

5. Learned Senior Central Government Panel Counsel appearing for the Respondents submitted that, it is the responsibility of the Petitioner/Publisher to apply for revised RNI and submit required documents if he wants to avail posting of magazines under concessional postage rate. As the Petitioner has not produced required RNI Certificate of Posting under concessional rates, which has lead to loss of revenue, they were asked to pay a sum of Rs.1,11,33,001/- towards postage due to the Department. However, learned counsel submitted that, this Court may permit the Petitioner to produce required RNI Certificate before the 3rd Respondent, who shall consider the same and pass appropriate orders within a stipulated period.

6. Heard the learned counsel on either side as also the 2nd Respondent/Superintendent, RMS Chennai Sorting Division, Department of Posts, and perused the material documents available on record.

7. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs the Petitioner to submit a representation to the 1st respondent for issuance of RNI certificate within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the 1st respondent is directed to issue RNI Certificate in accordance with law within a period of two weeks thereafter. Upon receipt of the RNI certificate, the petitioner shall submit the same before the 3rd Respondent along with a representation within a period of two weeks thereafter and upon receipt of the same, the 3rd Respondent taking into consideration the Petitioner's RNI Certificate, shall pass appropriate orders in accordance with law, after affording an opportunity of hearing to the Petitioner, within a period of six weeks, thereafter.

8. The writ petition is disposed of with the aforesaid observations and directions. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The Press Registrar,
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Chennai 600 017.

+1cc to M/s.P.Ebenezer Paul, Advocate, S.R.No.64572

W.P.No.10640 of 2019
and
W.M.P.No.11115 of 2019

SSN(CO)
SB(10/02/2022)