

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3810 OF 2022

Raviraj Krishna Aiwale

...Petitioner

Versus

The Union of India

Thr. Ministry of Information & Broadcasting
& Ors.

...Respondents

Mr.Dhairyasheel Sutar a/w Mr.Nirmal Pagaria, Mr.Kiran
Kulkarni for the Petitioner.

Mrs.M.P. Thakur, AGP for the Respondent-State.

Mr.Manoj Patil for Respondent No.7.

CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.

DATE : 10 NOVEMBER 2022

P.C:-

. The Petitioner assails the order dated 29 November 2022 passed by Respondent No.4 thereby sealing the property where the Petitioner was publishing the newspaper in the name of Apratim.

2. It appears that the Petitioner has also approached the Press and Registration Appellate Authority by filing an Appeal under order dated 23 September 2022. The Press and

Registration Appellate Board passed an order the relevant excerpts of the order reads thus:

“In the circumstances we are of the opinion that, if the appellant files a fresh Form-1 Declaration, learned Magistrate should consider it in accordance with law, uninfluenced by observations made by him in the impugned order. If he has complied with the requirements laid down by the Press and Registration of Books Act, 1867 then the learned Magistrate may, if he thinks fit pass appropriate orders. So far as impugned order is concerned, since there is a prayer before the Hon’ble Bombay High Court that the said order be quashed we are unable to deal with it on merits. Since the appellant’s office is sealed and that is causing great hardship to him the learned Magistrate should dispose of proceeding of the appellant’s Form 1 Declaration as expeditiously as possible at any rate within two months from the date of receipt of this order.

It is pointed out by the RNI representative that as per Rule 4 of the Registration of Newspapers, (Central), Rules 1956, ‘a copy of every declaration attested by the Official Seal of a Magistrate and a copy of every order refusing to authenticate any declaration shall be sent by the Magistrate to the person making and subscribing the declaration and to the Press Registrar by registered post.’”

The Appellant inform us that he had filed a fresh Form 1 Declaration dated 26.03.2021 which is pending before the learned Magistrate. If what he states is true then the learned Magistrate can dispose of that application and if he has refused to authenticate the said Declaration then the order refusing the same may be forwarded to the RNI as per Rule 4 mentioned herein above.”

3. The Appellate Board has already directed the learned Magistrate to pass fresh orders in accordance with law uninfluenced by the observations made by him in the impugned order.

4. In view of that, the Magistrate may decide the Application of the Petitioner for issuance of declaration under the provisions of the Press and Registration of Books Act 1867, afresh in terms of the order passed by the Press and Registration Appellate Board dated 23 September 2022.

5. Asfar as sealing of the property is concerned the Respondents are not in position to point out any provision authorizing the authority to seal the property. In view of that the order sealing the property set aside. However, we direct the Petitioner shall not print or publish any news paper from the said premises or any other premises until the Petitioner is allotted with the declaration under the Press and Registration of Books Act.

6. The Writ Petition is disposed of. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)