



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 14039 of 2014 and
M.P.Nos.1 and 2 of 2014

Mrs.Rebecca Jothi,
Publisher of "Kirubaien Malar"
And Trustee, Grace in Trinity Ministries,
A Private Trust incorporated under the provisions of
the Indian Trusts Act,
54B, Avaloorpet Road, Chetpet,
Tiruvannamalai District - 606 801. ...Petitioner

Vs

1. The Chief Post Master General,
Office of the Chief Post Master,
Anna Road HPO, Chennai -2.
2. The Superintendent of Post Offices,
Office of the Superintendent of Post Offices,
Tiruvannamalai Division,
Tiruvannamalai - 606 601. ...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in No.L6/2-6 RNP dated 4.9.2013 read with No.L6/2-6 RNP dated 7.10.2013 read with No.L6/2-6 RNP dated 5.2.2014 read with No.L6/2 RNP dated 6.3.2014 read with No.TCA/58-1/2012/CCR dated 15.5.2014, quash the same and consequently, direct the official respondents to renew the RNP license of the petitioner and permit the petitioner to post the Tamil monthly magazine "Kirubaien Malar" at concessional rates of postage.

For Petitioner : Mr.Sundar Narayan for
Mr.R.Sunil Kumar

For Respondents : Ms.N.K.Nithilavani,
Central Government Standing
Counsel



O R D E R

The orders dated 04.09.2013, 07.10.2013, 05.02.2014, 06.03.2014 and 15.05.2014 are under challenge in the present writ petition.

2. The grievances of the writ petitioner is that they have complied with the requirements for availing the benefits of concessional postage rates. The certificate of registration was issued by the Registrar of Newspapers of India and the petitioner was granted with the benefit by renewing the same for about three terms. While so, suddenly, the respondent issued a notice stating that the petitioner had not produced the required certificates and the said required certificates are to be produced within a period of 7 days, failing which, the concessional rate granted will be cancelled. The said notice dated 03.09.2013, was issued more specifically granting one week from the date of receipt of said letter dated 03.09.2013. However, on a very next day i.e., on 04.09.2013, the Superintendent of Post Offices, Tiruvannamalai Division, passed an order cancelling the registered newspaper of the writ petitioner from availing the concessional postage rates. Reference made in proceedings dated 04.09.2013, would reveal that the letter dated 03.09.2013 is referred. The letter dated 03.09.2013 provides one week time for submission of registration certificate. Thus, the respondents have not even provided an opportunity to the writ petitioner to furnish the copy of the registration certificate, which they have now produced before this Court along with the writ petition.

3. No doubt, concessional postal charges are to be granted strictly in accordance with the provisions of the Act and Rules. In the present case, admittedly, the petitioner was availing the concessional rate for three terms. The postal authorities found that the certificate of registration was not available. Thus, they have issued a notice to the writ petitioner granting one week time to furnish the copy of registration certificate. Unfortunately, the order of cancellation was issued next day without providing an opportunity to the petitioner and therefore, the impugned orders are in violation of the principles of natural justice.

4. Accordingly, the impugned orders passed by the second respondent in No.L6/2-6 RNP dated 4.9.2013 read with No.L6/2-6 RNP dated 7.10.2013 read with No.L6/2-6 RNP dated 5.2.2014 read with No.L6/2 RNP dated 6.3.2014 read with No.TCA/58-1/2012/CCR dated 15.5.2014 are quashed. The respondents are at liberty to issue a fresh notice to the writ petitioner seeking all required certificates and in the event of receiving any such notice, the



petitioner is at liberty to submit all the required certificates to the respondents enabling them to grant the benefit of concessional postal charges in accordance with the Act and Rules. Such an exercise is directed to be done as expeditiously as possible.

5. With these directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nti/gsk

To

1. The Chief Post Master General,
Office of the Chief Post Master,
Anna Road HPO, Chennai -2.
2. The Superintendent of Post Offices,
Office of the Superintendent of Post Offices,
Tiruvannamalai Division,
Tiruvannamalai - 606 601.

+lcc to Mr.Sundarnarayan, Advocate Sr.1320

W.P.No. 14039 of 2014 and
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srg 04/02/2022