



WEB COPY



W.A.No.1481 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

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1.The Chief Post Master,
Office of the Chief Post Master,
Anna Road HPO,
Chennai-2.

2.The Senior Superintendent of Posts,
Office of the Senior Superintendent of Post Offices,
Chennai City Central Division,
Chennai-17.

.. Appellants

Vs

1.Tamil Nadu Electricity Board Engineers' Sangam,
Registration Number 124/MDS (Recognized),
rep. by its Secretary V.Ashok Kumar
793, Anna Salai, Chennai-600 002.

2.R.Sankaran
Publisher and Editor,
Minalai (Tamil and English Monthly)
Tamil Nadu Electricity Board Engineers' Sangam,
793, Anna Salai, Chennai-600 002.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order 29.3.2019 passed in W.P.No.8382 of 2016 by the learned Single Judge.

For the Appellants : Mr.K.Gunasekaran
for Ms.Sunita Kumari

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Gunasekaran, learned counsel for the appellants.

2. The appellants assail the order passed by a learned Single Judge of this court, thereby allowing the writ petition filed by the present respondents bearing W.P.No.8382 of 2016.

3. The present respondents/original writ petitioners had challenged the demand notices issued by the present appellants and sought directions to renew the RNP license of the original writ petitioners and to permit the original writ petitioners to post their



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magazines at concessional rate. The learned Single Judge has set aside the demand notices.

4. Learned counsel for the appellants submits that the original writ petitioners did not possess the necessary certificate as required under the statute. As such, the original writ petitioners are not entitled to concessional rate. Inadvertently, concessional charges were levied. In view of that, the appellants are entitled to recover the deficit charges. The said aspect has not been considered by the learned Single Judge.

5. The appellants had earlier, in the year 2013, issued demand notices on the ground that the respondents/original writ petitioners do not possess RNP license or a certificate under the provisions of the Press and Registration of Books Act, 1967. The respondents/original writ petitioners filed W.P.No.23360 of 2013. The same was decided by a learned Single Judge of this court under order dated 16.9.2015. In the said judgment also, the learned Single Judge observed that the respondents/original writ petitioners



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have the requisite certificate under the Indian Postal Act, 1898, as mandated under Section 9 of the said Act. A concession has been given to the writ petitioners from the year 1973 onwards and the said concession was renewed from time to time. The said finding has become final. As such, it would be too late in the day for the appellants to contend that the respondents/original writ petitioners do not possess the necessary license or certificate of registration.

6. The learned Single Judge in the impugned judgment has also observed that the respondents/original writ petitioners possess the necessary certificate under the provisions of the Press and Registration of Books Act, 1967. It is also observed that the appellants had sent the impugned demand notices only based on audit objections without verifying the RNP licence of the original writ petitioner and, accordingly, set aside the demand notices.

7. Even a show cause notice was not issued to the original writ petitioners as directed in the earlier judgment of this court.



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8. We do not find any illegality committed by the learned Single Judge in passing the impugned order.

The writ appeal is dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

(sasi)

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