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W.P.No.24262 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24262 of 2014

and

M.P.No.1 of 2014

Dr.M.G.E.Pushparaj

...Petitioner

Vs.

1.Post Master General,
Western Region, Tamil Nadu,
Coimbatore – 641 002.

2.Superintendence of Post Offices,
Salem West Division,
Salem – 636 005.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent issued in Letter No.L-26/Regd news paper/Genl dlgs dated at Salem 636 005, the 22.11.2013 and consequential Letters No. L-26/Registered Newspaper/genl dlgs dated at Salem 636 005 the 27.3.2014/20.6.2014; Letter No. L-26/Regd Newspaper/Genl dlgs dated at Salem 636 005 the 19.8.2014/23.8.2014 issued by the 2nd respondent and to quash the same and direct the respondents to continue to extend the concessional postal charges to the Newspaper JAMAKKARAN.



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For Petitioner : Ms.G.Hema

For R1 and R2 : Mr.N.Ramesh
Central Government Standing Counsel

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ORDER

The order impugned to recover the postal charges at Book Post rates is under challenge in the present writ petition.

2. The writ petitioner states that he is a Medical Practitioner by profession and also a social worker. He is the Editor and Publisher of the Newspaper 'Jamakkaran' published in Tamil and Malayalam. The petitioner voluntarily formed a group of about 20 persons, who are interested in doing social work to the downtrodden and tribal communities not only in the State of Tamil Nadu, but all over India. The petitioner admittedly is publishing the monthly Newspaper in Tamil and Malayalam called 'Jamakkaran'. The monthly edition deals with counseling in respect of broken families, root cause for the disputes between mother-in-law and daughter-in-law, mental and physical sufferings of the children on account of broken families, effects of addiction, culture, mental imbalance and drawing the attention of authorities regarding the remedial measures to be undertaken in various Churches.



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3. It is not in dispute that the petitioner is utilizing the services of the Postal Department actively and posting his monthly Magazine to the readers.

4. The grievances of the writ petitioner is that his Newspaper was being published based on the permission accorded by the Additional District Magistrate and District Revenue Officer, Salem, in his proceedings in ROC.No.204/90/(06) dated 14.02.1990. The Additional District Magistrate and District Revenue Officer accorded permission to Dr.M.G.E.Pushparaj, 89, Majeeth Street, Old Sooramangalam, Salem – 5 to publish the Newspaper once in a month at 89, Majeeth Street, Salem – 5.

5. The learned counsel for the petitioner mainly contended that the petitioner was not aware of the other procedures for availing the Postal concession for sending the monthly Newspapers to the Readers. He was sending the Newspapers continuously, which were accepted by the Postal Department and delivered to the addressees concerned. That being the factum, all of a sudden, the order impugned was passed, stating that the petitioner has not produced RNI Certificate for the purpose of availing the



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postal concession and therefore, the petitioner is liable to pay a sum of Rs.11,17,590/- towards the arrears of postal charges.

6. The learned counsel for the petitioner mainly contended that the petitioner was not aware of the procedures. He was under the impression that the permission granted by the Additional District Magistrate and District Revenue Officer would be sufficient for the purpose of availing the postal charges concession. The petitioner is doing social services in the State of Tamil Nadu and all over India. That being the factum, the order impugned is to be set aside.

7. The learned Central Government Standing Counsel appearing on behalf of the respondents objected the said contentions by stating that during the year 2013, AIR Audit who visited the office of the Superintendent of Post Offices at Salem, had scrutinized RNP files and RNI web site and declared the Newspaper 'Jamakkaran' as ineligible Registered Newspaper, as, the Regd no.204/90 given by the publisher as RNI number was not the approved registration number in the RNI web site "rni.nic.in" and 'Jamakkaran' does not have registered title with RNI, New Delhi in this



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web site. As per Audit orders, the publisher has been addressed to submit the Certificate of Registration of RNI, New Delhi on or before 28-11-2013 vide Letter No.L-26/ Regd Newspaper /Geni digs dated 22-11-2013. But the petitioner had failed to submit the Certificate of Registration to the respondent. Instead, the petitioner sent a letter on 28.11.2013 to Superintendence of Post Office, Salem West Division, in which, the petitioner accepted that he did not receive any certificate for registration from Registered of Newspaper and copy of letter dated 28.11.2013 addressed to RNI, New Delhi along with the attachment of letters addressed to RNI by him during 1980, 1981, 1983, seeking Certificate of Registration of RNI. The respondents state that the petitioner failed to initiate any step from the year 1983 to 2013 to get Certificate of Registration from RNI, New Delhi and intentionally suppressed and cheated Postal Department by giving false information of Registration No:204/90.

8. As per the Press and Registration of Books Act, 1867, every Newspaper must be registered with the Registrar of Newspaper of India under the provisions of the Act and a Certificate of Registration is to be obtained. Only after getting the Certificate of Registration, publications are



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to be made. Then only such Newspaper would be considered as a valid Newspaper. Thus, the petitioner's Newspaper "Jamakkaran" has not only violated the rules of Postal Department, but also the provisions of the Press and Registration Book Act, 1867.

9. The postal rules prescribed under Rule 17-B(1)(a) of the IPO Rules 1933 and clauses 128, 129 & 140 of Post office Guide Part I, one of the condition for posting at the subsidized tariff is that the 'Newspaper' should be registered with the Registrar of Newspaper for India under the Press and Registration Books Act 1867. Then only it would be considered as a valid Newspaper for the purpose of availing the Postal number for RNP and Concession of Postage.

10. The respondents have further stated that as per the Directorate Letter No:22-17/2008-PO dated 05.05.2008, apart from daily Newspapers, virtually all the weekly, fortnightly and monthly publications, which are popularly known as magazines or journals, give a declaration under the Press Registration and Books Act, 1867 that these are "Newspapers" and thus become entitled to get themselves registered as such with Registrar of



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Newspapers of India (RNI). RNI registration is different from Postal registration. The importance of postal registration lies in the fact that it entitles a Newspaper to avail concessional rates of postage, which are highly subsidized. Thus, after RNI Registration, the Newspaper has to separately register itself with the competent Postal Authority and get Postal Registration, if it wishes to avail concessional postage rates. The above procedures have been reiterated in Rule 17-B(1)(a) of the IPO rules 1933.

11. In accordance with the above rules, 'Jamakkaran' was stopped from availing the facility of concessional Postal tariff of RNP on 28-11-2013 and allowed to be posted under Book packet rate of Rs.4/- per 50 gms. The petitioner had posted 2,98,024 copies from May 2009 with the postage of 0.25 by availing concession, which was not eligible to the petitioner. Thus, the petitioner was directed to credit the amount of Rs.3.75 for 2,98,024 articles for compensating the loss made by the petitioner to the Postal Department. Due to the ineligible publication of "Jamakkaran", revenue loss had occurred to the Postal Department and in this regard AIR audit 2013 had announced Rs.11,17,590/- as the shortage of Postage amount to be recovered from the publisher of 'Jamakkaran', Shri.M.G.E.Pushparaj.



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Consequently, Mr.M.G.E.Pushparaj was addressed vide Letter.No.L- 26/ Registered Newspaper /Genl dlgs dated 27.3.2014/20.6.2014 and 19.8.2014/21.8.2014 to credit Rs.11,17,590/- to Salem Division on or before 31.8.2014. However, the petitioner has not credited the said amount and has filed the present writ petition.

12. It is not in dispute that the petitioner published Newspaper namely 'Jamakkaran'. It is further admitted that he has not registered his Newspaper under the provisions of the Press and Registration of Books Act, 1867. One of the contention of the petitioner in his letter was that during the years 1980, 1981 and 1983, he submitted an application seeking Certificate of Registration of RNI, New Delhi. However, the petitioner failed to initiate any steps to get his publication registered with the RNI, New Delhi. Therefore, it is not as if the petitioner was unaware of the procedures to be followed for registration of his publications. Thus, knowing the fact that his Newspaper was not registered with the provisions of the Act and also knowing the fact that he has to produce the registration number to the Postal Department for the purpose of availing the concessional rates in postal charges, he was going on sending his publications to the addressees by



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availing the concessional rate, which is highly subsidized. Therefore, the petitioner, who is a Publisher and a Doctor by Profession, cannot be said to be ignorant about the procedures. Even ignorance of procedures is not an excuse, since the action of the petitioner resulted in financial loss to the Postal Department. The petitioner in his publication, has only quoted the permission granted by the District Revenue Officer and Additional District Magistrate, Salem, which is irrelevant for the purpose of availing the Postal Concession Charges.

13. The very contentions of the petitioner in his letter dated 28.11.2013 to the RNI, New Delhi, along with the attachment of letters addressed to RNI by him during the years 1980, 1981 and 1983, would reveal that the petitioner was very much aware of the procedures as contemplated under the Act and rightly submitted an application, but failed to pursue the registration and obtain the same for the purpose of availing the benefits from the Postal Department. After passing of the impugned order, the petitioner has registered his publication under the Press and Registration of Books Act, 1867 in the year 2017. That being the factum, the petitioner has done the irregularities knowingly and therefore, this Court do not find



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any infirmity in respect of the orders impugned.

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14. As per Section 9 of the Indian Post Office Act, 1988, Rule 30 of the IPO Rules 1933 and Clause 128, 139 & 140 of Post office Guide Part I, Registration Certificate obtained from Registrar of Newspaper of India, New Delhi, is absolutely mandatory for the purpose of availing the facility of concessional rates of the registered Newspapers. The Post Master General, Western Region, Coimbaore – 641 002 has pointed out that a Revenue loss to the tune of Rs.8.91 Crore has been occurred to the Postal Department due to the ineligible publications as per the CAG Draft audit report and ordered that the recovery of loss of revenue is to be made from the persons, who all are responsible. The Newspaper Publication namely 'Jamakkaran', which belongs to the petitioner was an ineligible publication posted as RNP by violating the rules of RNP and therefore, based on the audit objections, action was initiated to recover the financial loss occurred to the Union of India.

15. This being the factum established, this Court do not find any infirmity or perversity in respect of the orders impugned passed by the



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respondents and the petitioner is liable to compensate the financial losses occurred to the Postal Department. Accordingly, the petitioner is directed to settle the amount within a period of three months from the date of receipt of a copy of this order. In the event of failure, the respondents are directed to initiate appropriate action for recovery of the amount by following the procedures as contemplated under law.

16. With this direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. Post Master General,
Western Region, Tamil Nadu,
Coimbatore – 641 002.
2. Superintendence of Post Offices,
Salem West Division,
Salem – 636 005.



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S.M.SUBRAMANIAM, J.

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