

19.08.2024
Item No.23
gd/ssd

MAT/1416/2024
MANTU DEB NATH AND ANR.
VS
REGISTRAR OF NEWSPAPERS FOR INDIA AND
ORS.
IA NO: CAN/1/2024, CAN/2/2024

Mr. Dulal Dey
..for the Appellants.

Mr. S.N. Dutta,
Mr. Ashok Prasad
..for the Union of India.

Mr. M. Thakur
..for the Respondent No.4.

Re: CAN 1 of 2024

1. CAN 1 of 2024 has been filed by the appellants seeking condonation of delay in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2024 is, accordingly, allowed.
The delay in filing the appeal is condoned.

Re: MAT 1416 of 2024

5. This intra court appeal by the writ petitioners is directed against the order dated 21.05.2024 in WPA 1255 of 2024.

6. In the said writ petition the appellants had sought for a Writ of Mandamus to command the respondents to desist the private respondent nos.4 and 5 in the matter of publishing, printing and alleged magazine under the name and style “Saiba Bharati” which, according to the appellants, is a counterfeit magazine.

7. The learned writ court had considered the facts and found that civil proceedings are pending between the parties.

8. The learned advocate for the 4th respondent submitted that the appellants had resorted to objecting to the publication made by them after he was unsuccessful in the Election of the General Body.

9. Furthermore, a civil suit has been filed by the Organisation against the appellants and there is an order of injunction operating.

10. In the writ petition the pendency of the civil suit has not been disclosed.

11. The learned advocate appearing for the appellants would vehemently contend that the civil proceedings has no impact on the relief sought for in the writ petition.

12. It is not for the appellants to say so the duty of the appellants who were the writ petitioners to disclose all facts fully and truly and if, according to the appellants, the civil suit has no impact, then such a pleading should not have been made in the writ petition in the absence of the same.

13. We find that the relief sought for would not have been granted and rightly the writ petition was dismissed.

14, We find no grounds to interfere with the order passed by the learned Single Bench.

15. Accordingly appeal fails and dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)