IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 31360 OF 2024 (GM-POLICE)

BETWEEN:

1. MRS. SHEELA P.V
   W/O SRI. C.P.YOGEESHWARA,
   AGED ABOUT 47 YEARS,

2. C.P.YOGISHWAR
   S/O LATE C.MUTTAMADEGOWDA,
   AGED ABOUT 61 YEARS,

   BOTH ARE R/AT NO.143,
   17TH MAIN ROAD,
   BANASHANKARI II STAGE,
   BENGALURU-560 070.

...PETITIONERS

(BY SRI: S. ARUNA SHYAM, LEARNED SENIOR COUNSEL A/W
SRI: SONU S, ADVOCATE)

AND:

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

1. UNION OF INDIA
   MINISTRY OF INFORMATION AND
   BROADCASTING,
   ROOM NO.655, A-WING,
   SHASTRI BHAVAN,
   NEW DELHI-110 001.
   REP. BY ITS SECRETARY

2. THE STATE OF KARNATAKA
   REP. BY ITS CHIEF SECRETARY,
   VIDHANA SOUDHA,
   DR. B.R.AMBEDKAR VEEDHI,
   BENGALURU-560 001.

3. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD,
BENGALURU-560 001.

4. STATION HOUSE OFFICER
C.E.N. CRIME POLICE STATION,
CENTRAL DIVISION,
BENGALURU-560 051.

5. STATION HOUSE OFFICER
BANASHANKARI POLICE STATION,
BENGALURU-560 070.

6. THE PUBLISHERS AND BROADCASTERS
WELFARE ASSOCIATION OF KARNATAKA
C/O PRESS CLUB
BENGALURU-560 001
REP. BY ITS SECRETARY

7. YOUTUBE LLC
C/O GOOGLE INDIA PRIVATE LIMITED
3RD FLOOR, RMZ INFINITY
OLD MADRAS ROAD
E.NO.3, SWAMI VIVEKANANDA ROAD
BENGALURU-560 008
REP. BY ITS AUTHORIZED SIGNATORY

ALSO AT
YOUTUBE LLC
HAVING ITS OFFICE AT
NO.901, CHERRY AVE
SANBRUNO, CA- 94066
UNITED STATE OF AMERICA
REP. BY ITS AUTHORIZED SIGNATORY
PAULIENE SELVANANDAN

8. GOOGLE LLC
NO.3, 3RD, 4TH AND 5TH FLOOR
RMZ INFINITY TOWER -E
OLD MADRAS ROAD
SWAMI VIVEKANANDA ROAD

BENGALURU-560 008
REP. BY ITS AUTHORIZED SIGNATORY

9. META PLATFORMS INC/
FACEBOOK INDIA
HAVING ITS OFFICE AT UNIT
NOS.1203 AND 1204
LEVEL-12, BUILDING NO.20
RAHEJA MINDSPACE, CYBERABAD
MADHAPURA, HITECH CITY
HYDERABAD, KARNOOL-500 081
REP. BY ITS AUTHORIZED REPRESENTATIVE

ALSO AT
META PLATFORMS INC
HAVING ITS OFFICE AT NO.1
META WAY, MENLO PARK
CALIFORNIA-94025
UNITED STATE OF AMERICA
REP. BY ITS AUTHORIZED SIGNATORY
KATHRYN DUVALL

10. INSTAGRAM LLC
1ST FLOOR, SPD PLAZA
KORAMANGALA INDUSTRIAL LAYOUT
5TH BLOCK, KORAMANGALA
BENGALURU-560 034
REP. BY ITS AUTHORIZED SIGNATORY

ALSO AT
HAVING ITS OFFICE AT 1601
WILLOW ROAD, MENLO PARK
CALIFORNIA-94025
UNITED STATE OF AMERICA
REP. BY ITS AUTHORIZED SIGNATORY

ALSO AT
INSAGRAM LLC,
NO.110, LINKWAY ESTATE
NEW LINK ROAD, MALAD (WEST)
MUMBAI, MAHARASTRA-400 064

ALSO AT
INSAGRAM LLC
IG INFOTECH INDIA PVT. LTD.,
EMBASSY GOLF LINK BUSINESS PARK
CHELLAGHATTA, BENGALURU-560 071
REP. BY ITS MANAGING DIRECTOR

11. ASIANET SUVARNA NEWS
ASIANET NEWS NETWORK PVT. LTD.,
#36, CRESCENT ROAD
NEAR MALLIGE HOSPITAL
SHIVANANDA CIRCLE
BENGALURU-560 01
REP. BY THE EDITOR IN CHIEF

12. SPEED NEWS KANNADA
NO.47, 1ST FLOOR, SY. NO.12/1
UTTARAHALLI MAIN ROAD
ABOVE ICICI BANK
BENGALURU-560 061
REP. BY THE EDITOR IN CHIEF

13. REVIEW BY SOUKHYA GAONKAR
HAVING ITS YOU TUBE CHANNEL
IN BENGALURU
HAVING ITS URL NO.
www.youtube.com/@ReVIEWbySoukhyaGaonkar

14. NEW FIRST KANNADA
NO.31, T.B.R.TOWER
NEW MISSION ROAD
1ST 'A' CROSS, J.C.ROAD
BENGALURU-560 027
REP. BY THE EDITOR IN CHIEF

15. REPUBLIC KANNADA
NO.131, 13 LALBAGH MAIN ROAD
K.S.GARDEN, VINOBA NAGAR
SUDHAM NAGAR, BENGALURU-560 027
REP. BY THE EDITOR IN CHIEF

16. PUBLIC TV
PUBLIC TV NETWORK PVT LTD.,

4TH FLOOR, TTMC, BMTC BUILDING
YESHWANTHAPURA
TUMAKURU ROAD
BENGALURU-560 022
REP. BY THE EDITOR IN CHIEF

17. POWER TV NEWS
POWER SMART MEDIA
NO.7, 11TH MAIN, I PHASE
I STAGE, GOKUL EXTENSION
MATTIKERE MAIN ROAD
YESHWANTHPUR
BENGLAURU-560 054
REP. BY THE EDITOR IN CHIEF

18. TV VIKRAM
1-130, BOGRU GUDDE
HOSABETTU
DAKSHINA KANNADA-574 227
REP. BY THE EDITOR IN CHIEF
SRI MAHESH VIKRAM HEGDE
S/O SRI VIKRAM HEGDE
AGED ABOUT 44 YEARS

19. THIRD EYE
YOU TUBE CHANNEL
REP. BY ITS AUTHORISED SIGNATORY
SUBRAMANYA S HAANDIGA
PHONE NO. 94482 12323

20. KARNATAKA EXPRESS
HAVING ITS YOU TUBE CHANNEL
IN BENGALURU
HAVING ITS URL NO.
www.youtube.com/@karnataka express

21. SHRAVAN YOGESHWAR
S/O C.P. YOGESHWAR
AGED ABOUT 25 YEARS
R/AT NO. 587, 1ST MAIN ROAD
AMARJYOTHI LAYOUT
3RD BLOCK, EXTENSION

RMV 2ND STAGE
BENGALURU-560 094

ALSO AT
SHRAVAN YOGESHWAR
S/O C.P. YOGESHWAR
AGED ABOUT 25 YEARS
R/AT NO. 2160/1
SHREE MAHABALESHWARA NILAYA
5TH CROSS ROAD, KUVEMPU NAGAR
CHANNAPATANA
RAMANAGARA DISTRICT-562 160

22. MALVIKA SOLANKI
D/O NARAYAN LAL SERVI
AGED ABOUT 55 YEARS
R/AT NO. 587, 1ST MAIN ROAD
AMARJYOTHI LAYOUT
3RD BLOCK, EXTENSION
RMV 2ND STAGE
BENGALURU-560 094

…RESPONDENTS

(BY SRI: M.N.KUMAR, CGC FOR R1;
SRI. M.SRINIVAS KUMAR, HCGP FOR R2 TO R5;
SRI MANU PRABHAKAR KULKARNI, ADVOCAATE FOR R8;
R7, R11, R14, R15, R16 & R17 ARE SERVED AND UNREPRESENTED;
SRI: KARAN JOSEPH, ADVOCATE FOR R9;
SMT: B.G.NAYANATARA, ADVOCATE FOR R21 AND R22;
VIDE ORDER DATED 23.09.2026, NOTICE IS HELD SUFFICIENT IN RESPECT OF R18)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION TO R1 TO R6 TO TAKE APPROPRIATE ACTION SO AS TO RESTRAIN THE MEDIA AGENCIES FROM PUBLISHING, PRINTING, DISSEMINATING AND ALSO BY MAKING THE BELOW MENTIONED URLS AND SUCH OTHER SIMILAR URLS. UPLOADED AT PRESENT OR IN FUTURE AS NON SEARCHABLE BY DE-INDEXING AND DE-REFERRING THE SAID URL CONTENTS IN THEIR LISTED SEARCH RESULTS INCLUDING ALL CO-REPRESENTATIVE SUB PAGES OR SUB DIRECTORIES

OF THE RESPECTIVE URL PLATFORMS VIDE ANNEXURE-A AND ETC.

THIS WRIT PETITION, HAVING BEEN RESERVED FOR ORDERS ON 17.10.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **T.P.VIVEKANANDA J.,** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV ORDER

The petitioners are before this Court seeking multiple prayers. For the purpose of ready reference, the prayers sought in the writ petition are extracted herein below:

> *"a) Issue a Writ of Mandamus or any order or direction to respondent Nos.1 to 6 to take appropriate action so as to restrain the media agencies from publishing, printing, disseminating and also by making the below mentioned URLs and such other similar URLs. uploaded at present or in future as non-searchable by de-indexing and de-referring the said URL contents in their listed search results including all co-representative sub-pages or sub-directories of the respective URL platforms vide Annexure-A.*
>
> *b) Issue a direction to respondent Nos.4 and 5 to take action pursuant to the complaint lodged by the petitioners before the 5th respondent vide Annexures-B and C.*
>
> *c) Issue a writ or direction or order restraining the respondents from making any news, publishing or telecasting, uploading, forwarding, transmitting and sharing any news items in any social media or media relating to any personal matters of the petitioners pursuant to issuance of notice to general form in O.S. No.7145/2024 on the file of the VII Additional City Civil and Sessions Judge, Bengaluru, vide Annexures-D and E.*
>
> *d) Issue a Writ of Mandamus directing the respondent Nos.7 to 20 to delete/de-index and*

de-referring the URL links mentioned in the schedule and also not to further transmit, share, forward the URL links mentioned in the schedule herein below vide Annexure-A.

e) Issue a Writ, order or direction directing the respondent Nos.21 and 22 not to approach any media houses and not to make videos causing damage to the reputation of the petitioners.

f) Grant such other and further relief's as this Hon'ble Court as this Hon'ble Court deems fit and proper under the circumstances of this case, in the interest of justice and equity."

2. The averments made in the writ petition disclose that there are several *inter se* disputes between the petitioners and respondent Nos.21 and 22. For the purpose of adjudication of the controversy brought before this Court through the instant writ petition, the averments made in the writ petition, more particularly, the disputed facts need not be adverted to. All the aforesaid prayers, which are extracted hereinabove discloses that the petitioners are seeking issuance of a writ of mandamus against all the respondents.

3. The fundamental question would be as to whether the writ petition seeking prayer against the respondent Nos.1 to 4 and 6 is maintainable without there being any demand and refusal by the said respondents to

act on the representation/demand of the petitioners seeking action in accordance with any statutory provisions or the legal obligation on the said respondents to act on the demand of the petitioners. The respondent Nos.6 to 20 are the private entities. The respondent Nos.21 and 22 are the private individuals.

4. By looking at the nature of the prayers made in the writ petition with reference to the averments made therein, it does not remotely suggest that the writ petition as against the respondent Nos.6 to 22 is maintainable. The only prayer that could be considered is with regard to submission of the complaint to respondent No.5 in terms of Annexure-B dated 21.11.2024. By looking at the date of the complaint and the date of filing of the writ petition, it is crystal clear that only in order to maintain the writ petition before this Court, a representation was submitted on 21.11.2024 and the writ petition was filed on 22.11.2024.

5. As narrated supra, despite there being no legal demand or lack of diligence or failure to perform the legal

or statutory duties on the part of the authorities, namely, respondent Nos.1 to 4, the writ of mandamus is sought jointly against the respondent Nos.1 to 6 directing them to restrain the media agencies from publishing, printing, disseminating and preventing the uploading the URLs mentioned in the prayer in the writ petition and for other consequential reliefs. Such prayers cannot be granted and therefore, the prayer (a) as against respondent Nos.1 to 6 is not maintainable. Insofar as prayer (b) is concerned, the request of the petitioners is for consideration of the complaint at Annexure-B. As stated supra, the complaint - Annexure-B was submitted to the respondent No.5. Therefore, the only direction that can be issued is for consideration of the said complaint and take further course of action pursuant thereto in accordance with law. Since, no representation has been submitted to the respondent No.4, no direction can be issued to respondent No.4.

6. Insofar as prayer (c) is concerned, it is an omnibus prayer without specifying the rank of the respondents against whom the said prayer is to be

granted. On a reading of prayer (c), it discerns that the said prayer is against the media houses. No writ of mandamus could be issued against the private media houses at the instance of the petitioners without there being any complaint having been made against the media houses under the relevant provisions governing the activities of the media houses.

7. The prayer (d) is also similar to prayer (c); however, it is in relation to forwardal of URL links, which are mentioned in Annexure-A and the schedule to the writ petition. As regards prayer (e) is concerned, the same is against respondent Nos.21 and 22 who are private individuals and no writ of mandamus could be issued directing the respondent Nos.21 and 22 not to approach any media houses and not to make videos causing damage to the reputation of the petitioners. If the respondent Nos.21 and 22 approaches the media houses and causes any damage to the reputation and image of the petitioners, the remedy is not the writ petition, however, the remedy is elsewhere. Therefore, in substance, none of

the prayers except prayer (b) could be granted in the instant writ petition. The only prayer that could be granted as observed above is directing the respondent No.5 to act on the complaint submitted by the petitioners.

8. After having come to the aforesaid conclusion, this Court finds it appropriate to take note of the following circumstances while disposing of the instant writ petition. On behalf of the respondent No.22, an application for vacating the interim order has been filed. The preliminary objection raised by the respondent No.22 is regarding maintainability of the writ petition. It is the assertion of the respondent No.22 that under the guise of the interim order passed in the instant writ petition; the respondent No.22 is not able to access her social media accounts, since the URLs attached to her social media have been blocked/deleted. The petitioners have furnished the list of websites and URL links without disclosing the nature of defamatory content contained in the said URLs or videos and sought for an omnibus interim order directing the respondent Nos.7 to 20 to block/delete all the URLs, which

is causing an unreasonable restriction on the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India.

9. It is the assertion of the respondent No.22 that she is a founder of an NGO called "*SWAYYAM*", which is working in the field of environmental protection and upliftment of sustainable agriculture and community development. Certain URLs and videos, which were blocked/deleted pursuant to the interim orders of this Court are causing impediment to the respondent No.22 even in accessing the social media account of the NGO, which is impairing the day-to-day functioning of the said NGO. It is the assertion of the respondent No.22 that a similar writ petition with identical reliefs had been filed by the petitioner No.1 in WP.No.29527/2024 against the daughter of respondent No.22. The said writ petition has been disposed of by the Co-ordinate Bench of this Court relegating the petitioner therein to work out the remedies in the pending civil suit and the subject matter of the present writ petition and the prayers sought are nothing

different from the one which was involved in the aforesaid writ petition. Therefore, even in the present case, the petitioners will have to be relegated to work out their remedies in the pending civil suit in OS.Nos.25700/2024 and 26115/2024.

10. Sri. S.Aruna Shyam, learned Senior counsel appearing for the petitioners submit that the need for filing the instant writ petition arose on account of indiscriminate act of the respondent Nos.21 and 22 in approaching the media houses and uploading the defamatory videos in the social media platforms and sharing of URL links in the social media, which has caused innumerable hardship and tarnished the image of the petitioner No.2 who is an elected representative of the State Legislative Assembly.

11. Placing reliance on the statement of objections filed to the application for vacating of the interim order and the documents appended to the said objections, the learned Senior counsel submits that the petitioner No.2 has instituted OS.No.1802/2026 against the respondent No.22 herein seeking prohibitory orders restraining the

said defendant from making / telecasting / publishing / circulating any false, baseless, reckless and defamatory allegations against the plaintiffs and for other consequential reliefs against the media houses and the social media platforms. In the said suit, the trial Court has passed an interim order and the respondent Nos.21 and 22 are bound to obey the orders of the Court and if the respondent Nos.21 and 22 undertake that they would not violate the interim order passed in the suit, the petitioners would be having no grievance against the respondent Nos.21 and 22.

12. The learned Senior counsel for the petitioners has placed reliance on the judgment of the High Court of Delhi in the cases of ***Naresh Kumar Vs. Wire and Others***[1]***, Gaurav Bhatia Vs. Naveen Kumar YouTube Channel***[2] and ***Khanjan Jagadishkumar Thakkar Vs. Waahiid Ali Khan and Others***[3] and the order passed by the Co-ordinate Bench of this Court in the case of

[1] 2023 SCC ONLINE DELHI 7314
[2] 2024 SCC ONLINE DELHI 2704
[3] 2024 SCC ONLINE BOM 1079

Mr.Darshan Srinivas Vs. Union of India and Others in ***W.P.No.7473/2026*** disposed of on ***30.04.2026*** and contends that this Court is empowered to grant the relief as sought in the writ petition and when it comes to the reputation of the parties, the High Court must come to the aid of the parties to prevent the tarnish of the image and reputation.

13. It is noticed from the judgments referred to supra that all the judgments have been rendered in exercise of original jurisdiction by the High Court of Delhi and the High Court of Bombay. The situation in the State of Karnataka is otherwise. This Court is not exercising the original jurisdiction in the instant case. The petitioners have invoked the jurisdiction under Article 226 of the Constitution of India. There is no dispute about the grant of relief or passing of a prohibitory order in the case of the present nature in exercise of original jurisdiction in a original suit. However, such reliefs or orders cannot be passed in exercise of the jurisdiction under Article 226 of the Constitution of India. It is for the said reason, the

petitioners are being relegated to seek appropriate remedies in the pending suit or seeking an appropriate additional prayers and impleading additional parties.

14. In W.P.No.7473/2026, the Co-ordinate Bench of this Court had issued directions against the respondents therein, namely, Union of India, Ministry of Information and Broadcasting, to examine the broadcasts and digital content, which was complained through the complaint dated 16.01.2026 invoking the provisions of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as the "Rules, 2021"). In the instant case, as observed above, the petitioners have not approached the Union of India, Ministry of Information and Broadcasting, invoking the provisions of the Rules, 2021. The said difference in the facts of both the cases would be a relevant consideration to apply the principles laid down in the aforesaid judgment. Therefore, this Court is of the considered view that none of the judgments relied upon are helpful to the case of the petitioners.

15. It is noticed from the copy of the plaint produced along with the objections to the application for vacating of the interim order that the suit in OS.No.1802/2026 has been filed on 11.03.2026 that is during the pendency of the instant writ petition. The defendant in the said suit is the respondent No.22 herein. The respondent No.21 herein is not a party to the aforementioned suit. In order to compare the nature of prayers made in the aforementioned suit and the prayers made in the instant writ petition, it is apposite to extract the prayers made in the aforementioned suit, which reads as follows:

> *"(a) Pass a Decree for permanent prohibitory injunction restraining the Defendant from making/ telecasting/ publishing/ circulating any false, baseless, reckless and defamatory allegations against the plaintiff on the basis of false, fabricated and concocted stories prepared or edited by defendant;*
>
> *(b) Pass a Decree for permanent prohibitory injunction restraining the Defendant from approaching any media houses including social media which includes Twitter, Instagram and Facebook etc., by making/publishing/circulating any false, baseless, reckless and defamatory allegations against Plaintiff;*
>
> *(c) Pass a decree of mandatory injunction directing defendant to remove/delete false, frivolous, baseless and vexatious videos made, published,*

shared, uploaded, transmitted, forwarded against the plaintiff detailed in Schedule herein below containing the identified URL/Weblink which contain or purport to contain the at issue content and also direct the defendant to permanently take down, delete, remove, block, de-index and de-refer the content mentioned in Schedule and not to upload any at issue contents appears on receipt of any communication in future as stated above.

(d) Grant costs of this Suit.

(e) Grant such other and further relief's as this Hon'ble Court deems fit and proper under the facts and circumstances of the case in the interest of justice and equity."

16. The operative portion of the interim order passed by the trial Court in the aforesaid suit is as follows:

"The defendant or anybody acting on her behalf is hereby restrained from making telecasting, publishing, circulating, any false, baseless and defamatory allegations against the plaintiff till next hearing date.

Further the defendant or anybody acting on her behalf is hereby restrained from approaching the media houses and social media including Twitter, Instagram and Facebook for making, publishing, sharing, circulating any false baseless and defamatory allegations against the plaintiff till next date of hearing.

In so far as I.A.No.4 is concerned wherein in the relief of temporary mandatory injunction directing the defendant to delete the false and vexatious videos which are made, published, shared uploaded forwarded against the plaintiff with reference to the URL address mentioned in the schedule is concerned, it is found that the relief sought under the aforesaid application should be considered after the appearance of the defendant as there is no material at stage to

demonstrate that the defendant would be able to delete the defamatory content.

Office is directed not to issue exparte order of temporary injunction unless plaintiff complies Order 39 Rule 3A of CPC and pay the process fee towards suit summons and notice.

Issue suit summons and emergent notice on IA No.2 to 4 and Order of exparte temporary injunction on I.A.No.2 and 3 against the defendant

Call on 29.06.2026."

17. The media houses and the social media platforms are not arrayed as party defendants in the said suit. However, the prayer as regards the URL mentioned in the suit schedule has been made; however, the trial Court has not considered the said prayer.

18. Now coming to the relevant provision, which governs the activities and functioning of the media houses and the social media platforms, it is necessary to notice the provisions of the Information Technology Act, 2000 (hereinafter referred to as the "Act, 2000") and the Rules, 2021. Section 2 (1)(w) of the Information Technology Act, 2000, defines the word "*Intermediary*", which reads as follows:

> *"2 (1) (w): "Intermediary" with respect to any particular electronic message means any person who on behalf of another person receives, stores or transmits that message or provides any service with respect to that message;"*

19. Section 2(1)(za) of the Information Technology Act, 2000, defines the expression "*Originator",* which reads as follows:

> *"2(1) (za)"originator" means a person who sends, generates, stores or transmits any electronic message; or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary;"*

20. The respondent Nos.7 to 10 are intermediaries. Section 79 of the Act, 2000, deals with the liability of the intermediaries. For better understanding, the provisions of Section 79 of the Act, 2000, is extracted herein below:

> *"79. Exemption from liability of intermediary in certain cases.–(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.*
>
> *(2) The provisions of sub-section (1) shall apply if–*

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or

(b) the intermediary does not–

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.

(3) The provisions of sub-section (1) shall not apply if–

(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.–For the purposes of this section, the expression —third party information‖ means any information dealt with by an intermediary in his capacity as an intermediary."

21. The scope of Section 79(3) of the Act, 2000, has been explained by the Hon'ble Apex Court in the case of ***Shreya Singhal Vs., Union of India***[4]. The relevant paragraphs are extracted herein below:

> *"122. Section 79(3)(b) has to be read down to mean that the intermediary upon receiving actual knowledge that a court order has been passed asking it to expeditiously remove or disable access to certain material must then fail to expeditiously remove or disable access to that material. This is for the reason that otherwise it would be very difficult for intermediaries like Google, Facebook, etc. to act when millions of requests are made and the intermediary is then to judge as to which of such requests are legitimate and which are not. We have been informed that in other countries worldwide this view has gained acceptance, Argentina being in the forefront. Also, the Court order and/or the notification by the appropriate Government or its agency must strictly conform to the subject-matters laid down in Article 19(2). Unlawful acts beyond what is laid down in Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).*
>
> *123. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid."*

[4] (2015) 5 SCC 1

22. The respondent Nos.7 to 10 being the intermediaries are bound to act and take necessary steps to remove/take down the URLs only pursuant to an order of the Court directing such course of action. In the present case, the said respondents have acted in blocking the petition schedule URLs in terms of the interim order passed by this Court.

23. Learned counsel appearing for the respondent No.9 has filed an affidavit opposing the writ petition principally contending that no writ of mandamus could be issued against the respondent No.9, which is an intermediary. Referring to the definition of the intermediary and the exemption from liability of intermediary as stipulated in Section 79 of the Act, 2000, learned counsel seeks for dismissal of the writ petition. Apart from raising the contention regarding the maintainability of the writ petition, the learned counsel has made submission explanting the scope and ambit of the Act, 2000, the judicial pronouncement insofar as the duties and liabilities of the intermediary with regard to the

removal of the content and blocking of URLs, so also the management of social media accounts of any individual.

24. In addition to the affidavit, learned counsel for the respondent No.9 has also submitted the notes of submission reiterating the contents of the affidavit referred to supra and placed on record the copy of the Rules, 2021 and points out that an efficacious and alternative remedy for grievances concerning online content is provided in the Rules, more particularly, Sub-Rule (2) of Rule 3 and provision relating to appeal under Rule 3A to the Grievance Appellate Committee(*s*).

25. Learned counsel for the respondent No.9 has placed reliance on the judgment of the Hon'ble Apex Court in the case of ***Shreya Singhal Vs., Union of India*** *(stated supra)*, the judgment passed by the Co-ordinate Bench of this Court in the case of ***Facebook INC and Sharmila Mandre (Alias Sharmiela Mandre) and Others*** in ***MFA.No.796/2021 DD 17.02.2021,*** the judgment of the High Court of Delhi in the case of

Mohammad Hamim and Another Vs. Facebook India Online Services Pvt. Ltd. and Others[5] and contends that the petitioners have not made any representation for redressal of the grievances as provided under Sub-Rule (2) of Rule 3 and Rule 3A nor have invoked emergency provisions under Rule 16 of the Rules, 2021 and therefore, the writ petition seeking the aforesaid prayers cannot be entertained and no relief be granted.

26. Learned counsel for the respondent No.8 has made submission in line with the submissions of the learned counsel for the respondent No.9 and reiterates that the writ petition as against the respondent No.8 is not maintainable and there is no obligation on the part of the respondent No.8 to conduct any censor of the content uploaded in the social media platform and the respondent No.8 is only obliged to implement the orders of the Court in terms of Section 79 of the Act, 2000. The respondent No.22 is the originator and the petitioners are the objectors. The respondent No.8 is the intermediary. In a

[5] 2024 SCC ONLINE DEL 10267

dispute between the petitioners and respondent No.22 the role of the intermediary insofar as the content uploaded in the social media platform or the URLs are only limited to the extent of the restrictions and obligations contained in Section 79 of the Act, 2000. Learned counsel has further submitted that the writ petition cannot be filed seeking enforcement of the orders of the Civil Court, the remedy for violation of right of reputation or protection against deferment cannot be agitated in a writ petition and the remedy is to approach the Civil Court in an ordinary original jurisdiction. Any direction in the nature, in which, the petitioner has sought in the instant writ petition could not be an originator and not intermediaries or search engines. Though, the learned counsel for respondent No.8 has placed reliance on several judgments of the Hon'ble Apex Court, the nature of consideration, which this Court is undertaking in deciding the instant writ petition, the reference to the said judgments may not be relevant. With the aforesaid submissions, the learned counsel seeks for

dismissal of writ petition on the ground of its maintainability.

27. Heard Sri S.Aruna Shyam, learned Senior counsel along with Sri Sonu S., learned counsel appearing for the petitioners, Sri M.N.Kumar, learned CGC for respondent No.1, Sri M.Srinivas Kumar, learned HCGP for respondent Nos.2 to 5, Sri Manu Prabhakar Kulkarni, learned counsel for respondent No.8, Sri Karan Joseph, learned counsel for respondent No.9 and Smt.B.G.Nayanatara, learned counsel for respondent Nos.21 and 22 and perused the writ petition papers and the said judgments relied upon by the parties.

28. As observed in the earlier portion of the order, none of the prayers except prayer (b) could be granted in favour of the petitioners. The writ petition as against respondent Nos.7 to 22 is not maintainable and in all probability, with a view to present the writ petition, a representation dated 21.11.2024 was submitted and the writ petition has been filed on the very next day i.e., on 22.11.2024. Prior to approaching this Court for the relief

against the private respondents, the petitioners have not invoked the Grievance Redressal Mechanism under the Rules, 2021. Therefore, without approaching the Competent Forum for redressal of the grievance, the writ petition is presented. The High Court of Delhi in the identical circumstances in ***Mohammad Hamim***'s case has categorically held that when an Act provides a complete mechanism for redressal, the aggrieved party cannot abandon the redressal mechanism and invoke the extraordinary jurisdiction under Article 226 of the Constitution of India. The observation made by the High Court of Delhi at Paragraph Nos.15 to 22 of the aforesaid judgment is squarely applicable to the facts of the present case.

29. One other aspect, which needs the attention of this Court is that in an identical circumstances in the writ petition filed by petitioner No.1 herein i.e., in WP.No.29527/2024 with the identical prayer, the Co-ordinate Bench of this Court has relegated the petitioner therein to pursue the remedies in the pending

civil suit and further permitted to seek additional reliefs by way of amendment. In the present writ petition, the petitioners have produced the copy of WP.No.29527/2024, so also the interim order passed in the said writ petition and also placed reliance on the said interim order to seek interim order in the instant writ petition.

30. As observed above, during the pendency of the present writ petition, the petitioner No.2 has instituted the suit in OS.No.1802/2026 against the respondent No.22 herein. The prayer made in the said suit has already been extracted above. If the petitioner No.2 is already before the Civil Court seeking the prayers more or less similar to the reliefs sought in the instant writ petition, there is no reason for entertaining the instant writ petition and grant the relief as sought. As has been observed by the Co-ordinate Bench of this Court in the writ petition filed by the petitioner No.1, it is open for both the petitioners herein to seek any additional prayer in the pending civil suit, if so advised.

31. As noticed supra, in addition to the remedy of civil suit, the petitioners have an alternative remedy of approaching the Competent Authority under Sub-Rule (2) of Rule 3 of the Rules, 2021. The apprehension expressed by the learned Senior counsel for the petitioners that the respondent Nos.21 and 22 are in the habit of approaching the media houses, giving interviews, making videos, uploading it to the social media platforms, which would ultimately cause damage to the reputation of the petitioners is concerned, it is premature for this Court to render any finding in that regard. As and when the petitioners find that any statement, any video recording and any interview given by the respondent Nos.21 and 22 causes damage to the reputation of the petitioners and if it is a defamatory in nature, the remedy is always open for the petitioners to seek prosecution against the respondent Nos.21 and 22 in accordance with law.

32. This Court cannot pre-empt any such action on the part of the respondent Nos.21 and 22 to the effect that their act in publicizing the videos or interviews would

result in causing damage to the reputation of the petitioners. Such a prohibitory order cannot be granted by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The grant of such prohibitory order lies at the hands of the Competent Civil Court and the petitioner No.2 has rightly approached the Civil Court in OS.No.1802/2026 for the afore extracted reliefs. Therefore, the remedy available to the petitioners is to pursue the pending suit in OS.No.1802/2026 and seek any further prayers or remedies in the said suit, in addition to approaching the Competent Authority under the Rules, 2021, seeking redressal of the grievances.

33. This Court is of the considered opinion that the writ petition is not maintainable except for the prayer directing the respondent No.5 to consider the complaint dated 21.11.2024 in accordance with law.

34. In the result,

(i) The writ petition is ***disposed of***.

(ii) The prayers (a), (c) (d) and (e) are rejected.

(iii) A writ of mandamus is issued to the respondent No.5 to consider and take further action pursuant to the complaint dated 21.11.2024 at Annexure-B, which was acknowledged in terms of Annexure-C in accordance with law.

(iii) The petitioners are at liberty to seek any additional prayers or additional reliefs in OS.No.1802/2026 including impleadment of any other parties in the said suit.

(iv) The petitioners are also at liberty to approach the Competent Authority under Sub-Rule (2) of Rule 3 and Rule 3A and Rule 16A of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, seeking redressal of the grievances, if the circumstances warrants.

(v) In the light of the aforesaid order, the interim order passed in this writ petition on 22.11.2024 stands dissolved.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB