

**(2003) 03 MP CK 0113**

**In the Madhya Pradesh High Court**

**Case No : Writ Petition No. 6857 of 2002**

Ashok Kumar Rai and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

**Date of Decision : 31-03-2003**

**Acts Referred:**

**Citation : (2003) 4 MPLJ 286**

**Hon'ble Judges : A.K. Mishra, J**

**Bench : Single Bench**

**Advocate : M.L. Jaiswal, with Mohd. Asif, for the Appellant;**

**Final Decision : Dismissed**

## Judgement

Arun Mishra, J.

Petitioner in this writ petition has prayed for the relief against wrong depiction of the character of Kartiya Virya Arjun alias Sahastrarjun in T.V. Serial "Vishnupuran" telecast through Zee TV and Doordarshan.

Petitioner submits that the depiction of the character has distorted features. Sahastrarjun has wrongly been described as despotic Terrorist Womanizer, Corrupt Administrator, when no where such character has been written in the great epic "Vishnupuran".

Petitioners submit that the petitioner No. 1 has been authorized by the petitioner No. 2 to file the petition. Petitioner submits that there is no iota of truth about the depiction of Character of Sahastrarjun being a corrupt, womanizer or a man of low virtues, or a despot or a terrorist. The "Mantra Mahodadhi" recognizes Sahastrarjun as a God to be worshipped and Mantras and Chakras prescribed for his pooja are stated therein.

Petitioner submits that one tax consultant Shri P.K. Kalburgi vide letter dated 4-2-2001 drew the attention of Shri B.R. Chopra to the false and totally wrong depiction of Sahastrarjun and requested him to stop telecast of further episodes

and rectify and amend the earlier episodes which are derogatory and defamatory and are doing great harm and injustice to society in general and to Haihai Kshatriya community to which petitioner belongs in particular. Respondents; B.R. TV sent a reply P/2 dated 14-2-2001 stating that they had based Vishnu Puran on the service material available from all important scripture written by eminent scholars and sent enclosures. Petitioner submits that enclosures clearly show that none of them are ancient nor they have any sanctity and are the opinions of authors and not based on Vishnu Puran. It is submitted that the enclosures sent are not indicating the correct position about the character of Sahastrarjun. It is submitted that by letter P/4 dated 13-12-2001 Shri P.K. Kalgargi sent photo of the temples of Shri Sahastrarjun at Gwalior, Nagda and Maheshwar. By letter P/5 dated 15-4-2002 attention was drawn of Hon"ble Minister of Information and Broadcasting towards the showing of serial Vishnu Puran on National Network of DD-1. The petitioner and his community which is number in crores worship the Sahastrarjun. Thus, Sahastrarjun could not be depicted of the kind of character which was telecast. Petitioner submits that telecast of Vishnu Puran violates the fundamental right of the petitioner and it community members and hurt their feeling by the character assassination of their god or Adi Punish Sahastrarjun who is worshipped in various parts of the country in the temples built in his name. Telecast is defamatory in character. It was obligatory on the part of the Central Government on receipt of notice to hold an inquiry.

Shri M.L. Jaiswal, learned Senior Counsel appearing for the petitioner has taken this Court through the various text, Vishnu Puran and other documents. He has submitted that in "Vishnu Puran" depiction of Sahastrarjun is not such which is depicted in the serial. It has been fairly stated that the telecast of episode is over now, whenever repeat telecast is undertaken, same episodes may not be repeated, is the intention of the petitioner.

The main question for consideration is whether telecast of the character of Sahastrarjun is correct. It is a disputed question of fact and cannot be decided in a writ petition by this Court with the help of several text. Reply P/2 was sent by the respondent sending the material in the shape of work of authors in support of the telecast. This Court cannot decide such a question in a writ petition whether the description made in the appended documents with the reply P/2 sent by the respondents is correct or not. Case is such which requires detailed investigation into the facts and various material. Petitioner is having the remedy of filing civil suit for adjudication of the disputed questions of facts. There are various resources and material which are to be looked into. In my opinion, the writ petition is not the proper remedy.

Resultantly, I find no ground to make an interference in the writ petition. It is dismissed.