

(1915) 01 CAL CK 0001
In the Calcutta High Court
In Re: Abul Kalam Azad

Date of Decision : 11-01-1915

Acts Referred:

Press Act, 1910 — Section 17

Citation : (1915) ILR (Cal) 730

Hon'ble Judges : Jenkins, C.J;Woodroffe, J;Holmwood, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Jenkins, C.J.—Without in any way assenting to the proposition that Abul Kalam Azad is a person having an interest in any property in respect of which the order of forfeiture has been made and so entitled. to come before any High Court u/s 17 of the Indian Press Act of 1910, it appears to me that there is another and absolutely fatal objection to this application. It appears, though the petition is not in order on this point, that on the 2nd November 1914 the Governor-General in Council in pursuance of Section 4(1) of the Press Act, 1910, declared the security of Rs. 2,000 deposited in respect of " The Comrade and the Hamdard Press Kuchai-Chalan, Delhi" and all copies of the issue of the new paper called the. The Comrade bearing the date the 26th of September, 1914, wherever found to be forfeited to His Majesty, and this order was served an the person concerned, presumably the Keeper of the Printing-Press on the 3rd of November 1914. The Governor-General in Council in so acting was exercising.a power conferred under the Delhi Laws Act of 1912, so that, for the purposes of this application we must treat the order as though made by a Local Government under the Indian Press Act. The complaint of the petitioner is that "he as a recipient of a copy of The Comrade in exchange for his newspaper Al Hilal became the owner of that newspaper." I suppose he means of a copy of the newspaper and that he held possession thereof. He appears to consider that the order of forfeiture affects him in Bengal. But whether it does or does not-a point on which I express no opinion-it was made by the local authority I have described, and not by the Government of Bengal. There has been no order made by the Government of Bengal and no action by it or by any of its officers of

which, the petitioner can complain. According to the scheme of the Indian Press Act and its several provisions, it is abundantly clear that we have no jurisdiction in this case. Moreover, our rules only provide for a notice being served on the Government of Bengal. We are however asked to interfere with an order made by an authority exercising at Delhi the powers of a Local Government, without having that authority before us, and without having any means of compelling its attendance.

2. It is not as though the petitioner has no remedy. There is a High Court to which he could have gone, and therefore it cannot be said that justice is denied him by our holding, as we do, that we have no jurisdiction to interfere in this case.

3. The application is, therefore, dismissed.

Woodroffe, J.

4. I agree.

Holmwood, J.

4. I agree.