
(1993) 01 RAJ CK 0043

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4189 of 1992

Mahabeer Mal Solanki

APPELLANT

Vs

The State of Rajasthan and Another

RESPONDENT

Date of Decision : 18-01-1993

Acts Referred:

Citation : (1993) WLN 119

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.R. Arora, J.—The petitioner Mahabeer Mal Solanki is the Editor, Publisher and Printer of a daily news paper "Songarawani" published from Jalore. This news paper was approved for government advertisement by the Director of Information and Public Relations, Rajasthan, Jaipur, in the year 1985. In the year 1989, the publication of this news paper was suspended and the Director, Information and Public Relations, Rajasthan, Jaipur, therefore, by its letter dated 22.4.91, cancelled the recognition of news paper for the publication of the government advertisement. The petitioner made representations to the State Government and the Director for withdrawing the order cancelling the recognition of the "Songarawani" for the publication of the advertisement of the State Government, but his case was not considered. The petitioner has, therefore, challenged the order Annexure. 5 passed by the Director, Information and Public Relations, Rajasthan, Jaipur.

2. It is contended by the learned Counsel for the petitioner that for cancellation of the recognition of the petitioner's news paper for publication of the Government advertisements, on notice was given to the petitioner and the order has been passed without affording any opportunity of hearing to the petitioner and, therefore, the order Annexure. 5 deserves to be quashed and set-aside. Alternatively, it is argued that the petitioner has not breached any of the conditions envisaged in the Rules and, therefore, no order of derecognition

should have been made and u/s 13(1) it is only the State Government which can issue an order for the cancellation of the recognition.

3. I have considered the submissions made by the learned Counsel for the petitioner.

4. The petitioner, in the writ petition, has admitted that in the year 1989, due to labour unrest, the publication of the news paper "Songarawani" was suspended on account of the circumstances beyond his control. Even in his letter addressed to the Director, Information and Public Relations, he has admitted that the publication of the news paper was suspended. It is, also, clear from the letter dated 27.4.91, that even prior to the issuance of this letter, the information was given by the petitioner regarding suspension of the publication of the news paper. When the petitioner himself informed the respondents regarding the suspension of the publication of the news paper and that matter was taken into consideration and if that order cancelling the recognition has been passed then that order cannot be said to be in violation of the principle of natural justice. It is even admitted by the petitioner himself that the publication of the news paper was suspended since 1989. When the news paper itself was not published and its publication remained suspended for a considerable time-may be on account of labour unrest or on account of some other problem beyond the control of the petitioner then the cancellation of the recognition cannot be said to be, in any way, unjust. The advertisement cannot be given to a news paper which is not regularly published and, therefore, the order Annexure. 5, passed by the Director, Information and Public Relations, Rajasthan, Jaipur, cannot be said to be, in any way, unjust or improper. Rule 13, on which reliance has been placed by the learned Counsel for the petitioner, does not envisage the controversy in the present case. That rule only provides for the removal of the name from the list of approved news papers for publication only on the ground that some wrong information has been supplied and on the basis of which the approval was given and the information later on was found to be false. Present is not the case where the publication of the news paper itself was discontinued. Rule 13 is, therefore, not applicable in the present case.

5. In this view of the matter, I do not find any merit in this writ petition and the same is hereby dismissed. However, it may be observed that if the petitioner's news paper re-starts regular publication then his case may be considered for approval for publication of the government advertisements.