
(2009) 08 DEL CK 0202
In the Delhi High Court
Case No : Writ Petition (C) 3017 of 2008

Raihan Raza

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-08-2009

Acts Referred:

Press and Registration of Books Act, 1867 — Section 19B, 19B(2), 19C, 5, 5(2)

Citation : (2009) 08 DEL CK 0202

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Chandra Shekhar and Saurabh Upadhyay, for the Appellant; Nasir Ahmed, for Respondent Nos. 1 and 2, Anish Dayal, Bipin B. Singh and Sidharth Vaid, for the Respondent

Final Decision : Dismissed

Judgement

Sanjiv Khanna, J.—The petitioner Ms. Raihan Raza is a Senior Reader in the Department of English in Aligarh Muslim University, respondent No. 3 herein.

2. The petitioner had written some letters to the office of the Registrar of Newspapers of India, respondent No. 2 herein and was informed that the newspaper title "The Aligarh Journal of English Studies" stands deblocked. Accordingly, she applied for registration of the title "The Aligarh Journal of English Studies" in her name, which was granted on 7th January, 2008.

3. Respondent No. 2, however, by their letter 14th March, 2008 informed the petitioner and respondent No. 3 that registration of the title "The Aligarh Journal of English Studies" in favour of the petitioner stands cancelled as the said title was already registered. The petitioner was advised that she should apply for allotment of a new title duly verified by the District Magistrate so that another title may be issued to her. This letter dated 14th March, 2008 is impugned in the present writ petition by the petitioner.

4. Counsel for the petitioner accepts and admits that the title "The Aligarh

Journal of English Studies" was initially registered in the year 1976 in the name of the Professor A.A. Ansari, the then Head of the Department of English in Aligarh Muslim University with the Registrar of the Newspaper of India, Press Villa, Shimla under the Press and Registration of Books Act, 1867 (hereinafter referred to as the Act).

5. Section 5 of the Act stipulates that no newspaper shall be published in India except in conformity with the provisions of the said Section. Sub-sections (2) and 2(a) of Section 5 prescribe the details which have to be given in a declaration. Sub-sections 3, 5, 6 and 7 stipulates when a new declaration is required. Section 6 of the Act provides for authentication of the declaration by signature and official seal of the Magistrate and states that copy of the said declaration will be attested by the official seal of the Magistrate and forwarded to the Press Registrar. Section 8 of the Act stipulates the procedure to be followed if any person has ceased to be a printer or publisher of a newspaper in respect of which declaration has been made u/s 5 and authenticated by Magistrate u/s 6. u/s 19C of the Act, the Press Registrar is mandated to cause relevant entries to be made in the register on receiving from the Magistrate copy of declaration u/s 6 of the Act. Section 19B of the Act mandates that Press Registrar shall maintain in a prescribed manner a register of newspapers containing the particulars mentioned in Sub-section (2) to Section 19B. Press Registrar can cause changes to be made in the register by making necessary alterations and corrections.

6. Declaration, therefore, is made u/s 5 and authenticated u/s 6 of the Act. Registration is done u/s 19C of the Act and thereafter entries are made by the Press Registrar u/s 19B of the Act. Even after registration is granted, declarations have to be made as per Section 5 of the Act and if required by Sub-sections (3), (4), (5), (6) and (7) of Section 5.

7. There is nothing on record to show that that respondent No. 2 had ever cancelled the registration of the title "The Aligarh Journal of English Studies" which was granted in the year 1976. No such cancellation order or letter has been placed on record. What has been placed on record, are some letters written by the respondent No. 2 intimating that the said title had been deblocked. The petitioner has placed on record the download of the website of the respondent No. 2 to show that the said title had been deblocked. Respondent No. 2 in their counter affidavit have explained that the office of the Registrar of Newspapers was shifted from Shimla to New Delhi in 1998. Due to the transfer of records and as the present registration pertains to the year 1976, by mistake no entry of the said title was made in the computer at the time of the computerization of the data. It is stated that the letters were written on the basis of the entries made in the computer and this explains the mistake why the title "The Aligarh Journal of English Studies" was shown in the deblocked title list, whereas in fact it was never deblocked. Thus, the Registrar of Newspaper had made a mistake. A mistake as such cannot confer any right on the petitioner. Moreover, in the present case the petitioner was fully aware that the said publication is taken out

by Aligarh Muslim University and she herself is a Senior Reader in the said university.

8. Counsel for the petitioner states that the principles of natural justice have been violated as no show cause notice was issued before impugned letter dated 14th March, 2008 was issued. The argument is to be rejected in view of the Doctrine of Prejudice. It is well settled that principles of natural justice cannot be put in a strait jacket. In the facts of the present case and in view of the explanation given by the respondent No. 2, admitting their mistake and fault, I do not think any prejudice has been caused to the petitioner.

9. Counsel for the petitioner also relied upon public notice issued by the office of the Registrar of Newspapers. By this public notice, the Registrar had called upon all publishers of titles of newspaper as were verified till 31st December, 1995 but were not registered with the Registrar of Newspaper, to submit their representation/objections by 31st October, 1998. The said public notice is not applicable to the title "The Aligarh Journal of English Studies" as the same was registered way back in 1976.

10. In view of the above, I do not find any merit in the present writ petition and the same is dismissed.