



Press & Registration Appellate Board

प्रेस और पंजीकरण अपील बोर्ड

सूचनाभवन ,8 -सी.जी.ओ.कॉम्प्लेक्स ,लोधीरोड ,नईदिल्ली003 110 -

Soochna Bhawan, 8-C.G.O. Complex,

Lodhi Road, New Delhi - 110 003 ☎ 24366745-749, Fax 24368723/726

Email : secy-pci@nic.in; pcibpp@gmail.com; Website : www.presscouncil.nic.in

Item No.....

File No.27/35/18-19-PRAB

Appeal of Shri Kailash Dhondu Mali, Editor of "Weekly Mosam Girna" daily newspaper, Malegaon, District Nasik, Maharashtra against the Order dated 02/07/2018 passed by the Sub Divisional Officer (SDO), Malegaon, District Nasik, Maharashtra regarding cancellation of declaration of the newspaper.

Coram:

Mr. Justice C.K.Prasad :Hon'ble Chairman

Prof. (Ms.) Sushma Yadav :Hon'ble Member

Appearance

Appellant : Shri Amol V. Deshmukh, Adv.

On behalf of Respondent(s) : Absent

On behalf of RNI : Shri Satish K. Namboodiripad
Additional Press Registrar, R

Order

Dated: January 21st, 2019

This Appeal under Section 8C of the Press and Registration of Books Act, 1867, hereinafter referred to as Act, has been filed by the Appellant against the Order dated 2.7.2018 passed by the Sub-Divisional Magistrate, Malegaon, whereby the declaration of the 'weekly Mosam Girna', has been cancelled. Short facts giving rise to the present Appeal are that earlier the declaration of the newspaper 'Mosam Girna Daily' was cancelled by Order dated 7.7.2016 passed by the Sub-Divisional Magistrate, Malegaon. Aggrieved by the same, Appellant preferred Appeal before the Press Registration Appellate Board, hereinafter referred to as the Board. The Board, by Order dated 12.4.2017 declined to interfere with the Order of cancellation of authentication but gave liberty to file a fresh declaration. In the light of the aforesaid Order, Appellant

filed fresh declaration on 12.6.2017 of the weekly 'Mosam Girna'. The Sub-Divisional Magistrate by Order dated 29.8.2017, authenticated the declaration of the 'weekly Mosam Girna'. The Appellant informed the Registrar of Newspaper of India about the authentication of the declaration by the Sub-Divisional Magistrate.


Respondent No. 2, Shri Bharat Vitthal Patil, aggrieved by the authentication of the declaration filed application before the Sub-Divisional Magistrate for cancellation of declaration. The Sub-Divisional Magistrate by the impugned Order cancelled the declaration dated 29.8.2017, primarily on the ground that the Registrar of Newspaper had informed him about the ceasing of the title of 'Mosam Girna'.

Mr. Amol V. Deshmukh appearing on behalf of the Appellant raises a very short point. He submits that the foundation of the Order of the cancellation of declaration that the registration of the 'weekly Mosam Girna' has been ceased by the Registrar of Newspaper is unfounded on facts and, therefore, the impugned Order is fit to be set aside on this ground alone.


Despite service of notice, Respondent no. 2 has not chosen to appear. Respondent No. 1, the Sub-Divisional Magistrate has sent a communication, *inter alia*, stating that because of the election, he is unable to appear before the Board. The Board cannot adjourn the case for indefinite period and that too in respect of a case which has implications of stopping the publication of the newspaper.

Shri Satish K. Namboodiripad, Additional Press Registrar states that in the light of the earlier Order of the Board and the authentication of the declaration by the Sub-Divisional Magistrate, the registration of the 'Weekly Mosam Girna' has been restored. In this view of the matter, there is no escape from the conclusion that the 'Weekly Mosam Girna' has valid registration from the Registrar of Newspaper. Once it is held so, the foundation of the impugned Order that the title of the newspaper had ceased is erroneous on facts. As the very foundation of the impugned Order is erroneous, the same cannot be allowed to stand and deserves to be set aside.

Accordingly, this Appeal is allowed, the impugned Order is set aside but without any cost.


(Sushma Yadav)
Member




(Chandramauli Kumar Prasad)
Chairman