



Press & Registration Appellate Board

प्रेस और पंजीकरण अपील बोर्ड

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Item No.4

File No. 27/4/14-15-PRAB

Appeal of Shri Anwar Kasim Shaikh, Editor of Thane Ka Tahlka, National Hindi Weekly, Thane against Order dated 30.9.2014 passed by Sub-Divisional Magistrate Thane Division, Thane, Maharashtra.

Coram :

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

Mr. Keshav Dutt Chandola : Hon'ble Member

Appearance:

On behalf of Appellant : Advocate Shri Manu K. Giri appeared for the Appellant

On behalf of Respondent(s) : None

On behalf of RNI : None

Order

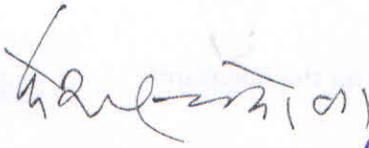
Dated : September 22, 2017

The appellant is aggrieved by the Order dated 30.9.2014 passed by the Sub-Divisional Magistrate, Thane Division, Thane, whereby he has cancelled the registration of the appellant newspaper, Thane Ka Tahlka purportedly in exercise of the power under Section 8B of the Press and Registration Books Act, 1867 hereinafter referred to as the Act. Despite service of notice, the Sub-Divisional Magistrate has not chosen to appear nor has filed any reply.

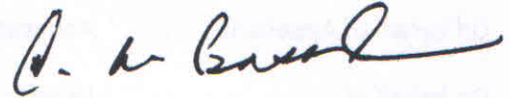
Mr. Manu Kumar Giri, Advocate appears on behalf of the appellant and raises a very short point. He submits that under Section 8B of the Act, the Magistrate has been given power to cancel the declaration but not the registration. He points out that the registration of a newspaper is given by the Registrar of Newspapers and hence the Order passed by the Sub-Divisional Magistrate is totally illegal and completely without jurisdiction. The Appellate

Board finds substance in this submission. The Appellate Board is of the opinion that the Sub-Divisional Magistrate while exercising the power under Section 8B of the Act cannot direct cancellation for registration of the newspaper. In this way he has exercised a power, which is not vested in him. On this ground alone, the impugned order is illegal and cannot be allowed to stand.

Accordingly, the Appeal is allowed and the impugned Order dated 30/9/2014 is set aside, with no order as to costs.



(Keshav Dutt Chandola)  
Member



(Chandramauli Kumar Prasad)  
Chairman