

Jacob Matghew vs Union of India

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Court : Kerala

Decided On : May-24-2023

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/29464/2010

Appellant : Jacob Matghew

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL
WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945
PETITIONER/S: JACOB MATGHEW PUBLISHER, "THE WEEK",
MANORAMA BUILDING,, PANAMPILLY NAGAR, COCHIN-682 036. BY
ADVS. SRI.K.P.DANDAPANI (SR.) SRI.MILLU DANDAPANI
RESPONDENT/S: 1 UNION OF INDIA SECRETARY, MINISTRY OF
COMMUNICATIONS,, SANCHAR BHAVAN, ASHOKA ROAD, NEW
DELHI-110 001. 2 THE CHIEF POST MASTER GENERAL PMG
JUNCTION, THIRUVANANTHAPURAM-695 001. 3 THE POST
MASTER GENERAL CENTRAL REGION, COCHIN-682 011. 4 THE
SENIOR SUPERINTENDENT RAILWAY MAIL SERVICE (RMS),,

KOTTAYAM DIVISION-680 001. BY ADVS. MANU S., DSG OF INDIA SRI.P.PARAMESWARAN NAIRASG OF INDIA SRI.T.P.M.IBRAHIM KHANASST.S.G OF INDI THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The question involved in the present writ petition is identical to the matter adjudicated in W.P.(C)No. 28973 of 2010 disposed of vide

judgment dated 11.11.2021 in M.M Publications Ltd v. Union of

India and others where the publications like the petitioner had posted registered newspaper (RNP) through Railway Mail Service

(RMS) Post office, Kottayam at a concessional rate. On

consideration of the provisions of Section 9 of the Indian Post Office Act, 1898 and clause 139 of the Post Office Guide Part -1, this Court set aside the similar order for reconsideration to be decided within four months. In the instant case also, the petitioner is a publisher of 'The Week' and was permitted to post at a concessional rate of 70 paise per copy and when came out with a supplement which was also sent along with them but was charged Rs.5 per copy without giving any concession. The impugned orders Ext.P7 and P12 have been passed by applying the provisions of 9(3) of Indian Post office Act and clause 139 of the Post Office Guide Part -1. In this view of the matter, I am of the view that the matter is clearly covered by the judgment referred to above. Exts.P7 and P12 are quashed. The matter is remitted to the 3 rd respondent to reconsider the issue and pass an appropriate order after giving opportunity of hearing to the petitioner, as expeditiously as possible, within a period of four months from the date of receipt of a certified copy of this judgment. Sd/- sab AMIT RAWAL JUDGE PETITIONER'S EXHIBITS Ext.P-1 Original Week magazine dated 22-10-2006 along with its extra dated 22-10-2006 Ext.P-2:Original Week magazine dated 26-11-2006 along with its extra dated 26-11-2006 Ext.P-3:Original Week magazine dated 24-12-2006

along with its extra dated 24-12-2006 Ext.P-4: True copy of Appeal dated 03-11-2006 preferred by petitioner before 3rd respondent Ext.P-5: True copy of Appeal dated 17-12-2006 preferred by the petitioner before 3rd respondent Ext.P-6: True copy of application dated 22-11-2006 preferred by petitioner. Ext.P-7: True copy of order dated 18-12-2006 issued by respondent to petitioner

Ext.P-8: True copy of Consolidated Ruling No.22-17/2008-PO dated 5.5.2008 passed by the 1st respondent. Ext.P-9: True copy of judgment of this Honourable Court dated 17.6.2008 rendered in W.P.(C) No.4263/2007 G. 13 Ext.P-10: True copy of Notice dated 17.8.2009 issued by the 4 th respondent. Ext.P11: True copy of Written Arguments submitted by the petitioner on 17.9.2009 referred to in the Writ Petition.

Ext.P12: True copy of order dated 1.12.2009 issued by the 4 th respondent to the petitioner. Ext.P13: Supplements viz Spice-India Today, Home- India Today, Life and Style-Outlook.

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