

In Re: Abdul Kalam Azad

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Court : Kolkata

Decided On : Jan-11-1915

Reported in : AIR1915Cal770,30Ind.Cas.746

Judge : Lawrence Jenkins, C.J.,; Wooroffe and; Holmwood, JJ.

Appellant : In Re: Abdul Kalam Azad

Judgement :

Lawrence Jenkins, C.J.

1. Without in any way assenting to the proposition that Abul Kalm Azad is a person having and interest in any property in respect of which the order of forfeiture has been made and so entitled to come before any High Court under Section 17 of the Indian Press Act of 1910, it appears to me that there is another and absolutely fatal objection to this application. It appears, though the petition is not in order on this point, that on Council in pursuance of Section 4(1) of the Press Act, 1910, declared the security of Rs. 2,000 deposited in respect of 'The Comrade and the Hamdard Press, Kucha-i-(sic) Delhi' and all copies of the issue of the (sic) paper called the The Comrade, bearing the (sic) the 26teh of September 1914, wherever (sic) to be forfeited to His Majesty and this (sic) was served on the person concerned, (sic) the keeper of the printing press, on (sic) 3rd of November 1914. The Government (sic) General in Council in so acting was exercising a power conferred under the Delhi Laws (sic) of 1912, so that for the purposes of this application we must treat the order as though made by a Local Government under

(sic) Indian Press Act. The complaint of (sic) petitioner is that 'he as a recipient of a (sic) of The Comrade in exchange for his new (sic) paper Al Hilal became the owner of (sic) newspaper.' I suppose he means of a copy of the newspaper and that he held possession thereof. He appears to consider that the order of forfeiture affects him in Bengal. But whether it does or does not--a point on which I express no opinion--it was made by the local authority I have described, and not by the Government of Bengal. There has been no order made by the Government of Bengal and no action by it or by any of its officers of which the petitioner can complain. According to the scheme of the Indian Press Act and its several provisions, it is abundantly clear that we have no jurisdiction in this case. Moreover, our rules only provide for a notice being served on the Government of Bengal. We are, however, asked to interfere with an order made by an authority exercising at Delhi the powers of a Local Government, without having that authority before us, and without having any means of compelling its attendance.

2. It is not as though the petitioner has no remedy. There is a High Court to which he could have gone, and, therefore, it cannot be said that justice is denied him by our holding, as we do, that we have no jurisdiction to interfere in this case.

3. The application is, therefore, dismissed.

Woodroffe, J.

3. I agree.

Holmwood, J.

4. I agree.