

Ajay Kumar Das Vs. Pramatha Kumar Das

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Court : Kolkata

Decided On : Jun-12-1953

Reported in : AIR1953Cal772,57CWN819

Judge : P.N. Mookerjee and ;Guha Ray, JJ.

Acts : [Press and Registration of Books Act, 1867](#) - Section 4

Appeal No. : Civil Revn. No. 1297 of 1953

Appellant : Ajay Kumar Das

Respondent : Pramatha Kumar Das

Advocate for Def. : Basanta Kumar Panda, Adv.

Advocate for Pet/Ap. : Hiran Kumar Roy, Adv.

Judgement :

Guha Ray, J.

1. This Rule obtained by Ajay Kumar Das on an application under Article 227 of the Constitution of India is directed against an order of the Senior Deputy Magistrate and Press Act Magistrate, Midnapore, refusing to re-consider an order cancelling the declaration filed by this applicant under Section 4, Press and Registration of Books Act as the keeper and printer of a press known as

Vidyasagar Press at Tamluk.

2. It appears that on 1-14-1950, the applicant filed a petition before the District Magistrate saying that his father Sri Pramatha Kumar Das had purchased a Press known as Vidyasagar Prass at Tamluk and asking for permission to file a declaration under the Press Act for starting printing works. The petition was enquired into by the police and under the orders of the District Magistrate Ajay Kumar Das was allowed to file a declaration under Sections 4 and 5 of the Press Act and Ajay Kumar Das actually filed the declaration on 10-12-1951. On 2-8-1952, Pramatha Kumar Das filed a petition asking for permission to file another declaration to the effect that he was the proprietor, keeper and printer of the Vidyasagar Press. He also was allowed to file this declaration. There was thereafter an investigation into this quarrel between the father and the son by the police. From the police report it appeared that Pramatha Kumar Das purchased the Press, but the house where the Press was located was the property of the wife of Pramatha Kumar Das, that is, the mother of Ajay.

3. The learned Magistrate then finds that Pramatha Kumar Das was the real owner of the Press and directed cancellation of the declaration filed by the son the applicant before us. He was asked to re-consider this decision and he refused to do it. It is against this that the present Rule is directed.

4. It appears to us that there is no provision in the Press Act for the Magistrate to direct the cancellation of any declaration. All that the Magistrate has to do under the Act is to keep the declarations filed in his office. Beyond this he has no responsibility and no powers. If there is a dispute between two or more persons about the ownership of a Press, it is not open to him to decide that dispute. The order of cancellation of the declaration, therefore, passed by the Magistrate is clearly without jurisdiction and must accordingly be set aside.

5. We accordingly make this Rule absolute, set aside the order of the Magistrate cancelling the declaration of the applicant. The dispute between the parties as regards the ownership of the Press cannot obviously be decided in this proceeding and must be left for the Civil Court.

6. In view of the relationship between the parties, we make no order as to costs.

P.N. Mookerjee, J.

7. I agree.

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