

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6508 OF 2012
(SPECIAL LEAVE PETITION(C.)NO.23869 OF 2012)

PRESS COUNCIL OF INDIA ...APPELLANT

VERSUS

UNION OF INDIA & ANR. ...RESPONDENTS

(WITH C.A.NO.6509 OF 2012 @ S.L.P.(C)NO.23868/2012)

O R D E R

1. Leave granted.
2. These appeals are directed against the judgment and order dated 10.04.2012 passed by the High Court of Judicature at Allahabad in Writ Petition No.2685/2012 (PIL Civil).
3. Learned Additional Solicitor General appears and represents respondent no.1 - Union of India.
4. We have heard Shri P.P.Rao, learned Senior Counsel for the appellant in Civil Appeal @ S.L.P. (C)No.23869/2012 and Smt.Madhavi Divan, learned counsel for the appellant in the connected

Civil Appeal and also the learned Additional Solicitor General.

5. Shri P.P.Rao, learned Senior Counsel appearing for the appellant has taken us through the prayers in the Writ Petition, which read as under :

“(a) Issue a writ of Mandamus directing the Respondent, viz. Union of India through the Principal Secretary, Prime Minister's Office to conduct an enquiry (preferably an enquiry, by an Independent Judicial Commission) in the news article dated 04/04/2012 published in “The Indian Express” attached as Annexure No.1 in case this Hon'ble Court seems to agree (in consultation with the Respondent) with the point of view presented by the petitioner in this Writ Petition and to take suitable action against such persons as found guilty in this enquiry report as per the various provisions of law as mentioned in para 29 of this Writ Petition and/or any other suitable provisions in accordance with the enquiry report, in case this Hon'ble Court (in consultation with the Respondent, the Union of India through the Principal Secretary, Prime Minister's Office) seems to agree with it.

(b) Issue a writ of Mandamus directing the Respondent, viz. Union of India through the Principal Secretary, Prime Minister's Office to definitely conduct an enquiry (preferably an enquiry by an Independent Judicial Commission) as regards the news article dated 4.4.2012 published in “The Sunday Guardian”

attached as Annexure No.5 and to take suitable legal action as per the various provisions of law as mentioned in para 29 of this Writ Petition and/or any other suitable provisions in accordance with the enquiry report, against all such persons as found guilty in this enquiry report."

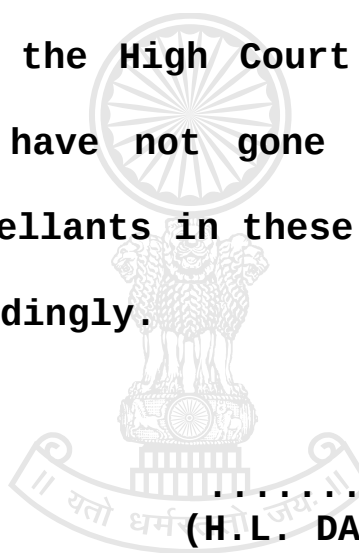
6. After taking us through the aforesaid prayers, the learned Senior Counsel has taken us through the order passed by the High Court. The relevant portion of the order reads as under :

".....We think it appropriate to direct the Secretary, Home Affairs, and the Secretary, Information & Broadcasting, Government of India and the Principal Secretary (Home), Government of U.P., to ensure that there is no reporting/release of any news item by the Print as well as Electronic Media relating to the subject matter, namely, the movement of troops as contained in the accompanying annexures."

7. Having gone through the prayers in the Writ Petition and the orders passed by the High Court, we are of the opinion that the High Court ought not to have issued the aforesaid direction for the sole and simple reason that the prayers in the writ

petition were entirely different from the order passed by the High Court and the order passed by the High Court as aforesaid is also not in consonance with the prayers so made. On this short ground alone, the appeals are required to be allowed and they are allowed accordingly and the orders passed by the High Court is set aside. We clarify that we have not gone into other issues raised by the appellants in these appeals.

Ordered accordingly.



.....J.
(H.L. DATTU)

JUDGMENT

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
SEPTEMBER 14, 2012