

24.07.
2020Through Video ConferenceW. P. No. 5441 (W) of 2020
With
C.A.N. 3148 of 2020

Pranay Rai

Vs

Clean Slate Filmz Pvt. Ltd. & Others

Mr. Rajdeep Majumdar, Mr.
Moyukh Mukherjee,
Mr. Joyjit Chowdhury ...for the Petitioner.Mr. Abhrajit Mitra, Sr. Advocate,
Ms. Surekha Srinivasan...for the Resp. 1 to 4.Mr. Ranjan Bhachawat, Sr. Advocate, Mr. S.
Roychowdhury
Mr. Siddharth Chopra,
Mr. Avijit Sarkarfor the Resp 5 & 6. Mr.

Tarun Jyoti Tewari ...for the UOI.

The grievance of the petitioner in this writ petition styled as Public Interest Litigation is that certain portions of the Web Series called "PAATAL LOK" which is being aired in Amazon Prime are defamatory of the Nepalese Community and projects the Nepalese community in a very bad light.

We have heard learned Counsel for the petitioner and learned Counsel appearing for the various respondents.

We are told that the petitioner has made a representation ventilating his grievance to the appropriate authority who, we are told, is the 8th respondent in this writ petition.

Having heard the learned Counsel, we are of the view that a decision in this matter should be taken by the competent authority, who has been chosen by the

petitioner and to whom a representation has been made. According to the petitioner, the 8th respondent is the appropriate authority. However, we leave that issue open for the 8th respondent to decide.

We leave all issues open for the 8th respondent to decide. The 8th respondent shall take a reasoned decision on the representation made by the petitioner, in accordance with law, after giving an opportunity of hearing to the petitioner and the respondents herein and to any other party as the 8th respondent may deem fit and proper and shall dispose of the representation of the petitioner as soon as possible and preferably within a period of four weeks from the date of communication of this order to the 8th respondent.

Needless to say that in the event the 8th respondent finds that certain portions of the aforesaid web series are not fit for being aired for public viewing, the 8th respondent shall pass appropriate orders for blocking the said portions from public viewing.

It is also needless to say that such order may be passed by the 8th respondent only if he is satisfied that he is the appropriate authority having jurisdiction to entertain and determine the petitioner's representation.

We have not gone into the merits as to whether or not certain portions of the said web series are required to be blocked or as to whether or not the 8th respondent has jurisdiction to entertain the petitioner's representation. All issues are left open to be decided by the 8th respondent in accordance with law.

In view of the order that we have passed, we leave open the issue of maintainability of this writ petition and it is not necessary to decide that issue in the present proceeding.

W. P. No. 5441 (W) of 2020 is, accordingly, disposed of along with CAN 3148 of 2020.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)