



IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Writ Petition (C).....No. 18 of 200 8  
.....Anjan Upadhyaya..... Petitioner / Appellant  
Versus  
.....State of Sikkim & Anr..... Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
	1. 21.7.08	<p>Present: Mr. U.P. Sharma, Advocate for the Petitioner.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. J.B. Pradhan, Govt. Advocate for the State-Respondents.</p> <p>...</p> <p>This is a writ petition at the instance of a news paper filed by the Editor of the said news paper. The grievance is inter alia that Government advertisements have been stopped from being sent for publication by the concerned newspaper in contravention of Government policy. It is alleged that harassing defamation cases have been filed against the newspaper; that there has been breaking in in the newspaper office; that the vendors of the newspaper have been stopped from selling the paper.</p> <p>On behalf of the respondents, it is submitted that the newspaper has made</p>	

numerous mistakes and deliberate distortions



Order

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in publications which had been followed by publishing corrigenda. The original items are published in large print and the corrigenda in small print. The newspaper is admittedly a CPM vehicle as stated in the petition itself. The Government has suspended giving all advertisements after a show cause and there are many good grounds for such suspension. The Court cannot enter into the correctness of this decision when the administrative procedure has been correctly followed. It is not possible for the Court to interfere with defamation cases which have been filed in the regular course and are pending trial. There is no proof whatsoever that any of the respondents is involved in any criminal activity or breaking in or molestation of any newspaper vendors. On this basis the respondents prayed for summarily dismissal of the writ petition with exemplary costs.

We are of the opinion that the respondents' submissions are sound. Although exemplary costs need not be awarded, some costs should be awarded. The writ petition is



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		<p>summarily dismissed with costs of Rs.5,000/-</p> <p>The Editor, Anjan Upadhyaya whose name appears as petitioner is directed to pay the costs to the respondents within a period of one week from the date hereof.</p> <p> (A.N. Ray, CJ)</p> <p> (A.P. Subba, J)</p>	