

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE**

&

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 19th OF JULY, 2023

WRIT PETITION No. 15519 of 2023

BETWEEN:-

**JAI LANKESH PARTY / RASHTRIYA RAVAN SENA
THROUGH ITS PRESIDENT SHRI SUBODH SHUKLA, S/O
RAM CHARAN SHUKLA, AGED ABOUT 45 YEARS, OPP.
BS JAIN GARDEN, RAJIV NAGAR WARD, SAGAR,
(MADHYA PRADESH)**

.....PETITIONER

(PARTY-IN-PERSON)

AND

- 1. UNION OF INDIA THROUGH SECRETARY TO
GOVERNMENT OF INDIA MINISTRY OF
BROADCASTING NEW DELHI (DELHI)**
- 2. STATE OF MADHYA PRADESH, THROUGH
PRINCIPAL SECRETARY TO GOVERNMENT OF
MADHYA PRADESH, MINISTRY OF
BROADCASTING VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 3. SHRI OM RAWAT, DIRECTOR OF FILM
ADIPURUSH MUMBAI (MAHARASHTRA)**
- 4. MANOJ MUNTASHIR DIALOGUE WRITER/SCRIPT
WRITER FILM ADIPURUSH MUMBAI
(MAHARASHTRA)**
- 5. CENSOR BOARD OF FILM ADIPURUSH, THROUGH
ITS CHAIRMAN MUMBAI (MAHARASHTRA)**

.....RESPONDENTS

This petition coming on for admission this day, Hon'ble Shri Justice Ravi Malimath, Chief Justice passed the following:

ORDER

We have heard the petitioner-party in person.

2. The prayer made by the petitioner is as follows:-

"(i) To direct the respondents not to publish or produce any news items in social media or any means of communication including Newspapers, electronic media etc. or restrained the persons who are spreading the hatred images of the Hindus in the name of Rawans and Brahmins.

(ii) This Hon'ble Court may kindly be pleased to command the respondents to restrain the anti-social elements who are creating interruption in the popularity and publicity of the film Adipurush all over the country which has been widely entertained and seen by crores of members of public with all respects this picture "Adipurush" is a marvelous and high class film which has depicted the good image of Rawan.

(iii) This Hon'ble Court may kindly be pleased to command the respondents that for the purpose of enhancing the number of visitors of pictures throughout the India, the petitioner is seeking a direction to the respondents to make such film Adipurush tax free so that all the persons and every member of every family throughout India who resides in India may he be Muslim or Christian or of any other religion.

(iv) To direct the respondents not to publish any news items in social media or any means of communications including newspapers, electronic media etc. or restrained the persons who are spreading the hatred images of the Hindus in the name of Rawans and Brahmins.

(v) Any other relief/direction/order as deemed fit and proper looking to the present facts and circumstances of the case."

3. So far as the first prayer is concerned, the question of granting an injunction to the respondents not to publish any news items in the social media etc. cannot arise for consideration and so also the second prayer to direct the respondents to restrain the anti-social elements who are creating interruption in the popularity and publicity of the movie stated therein. The third prayer is to

direct the respondents therein to make the film tax free and the last prayer is to restrain the persons who are spreading the hatred images of Hindus in the name of Rawans and Brahmins. So far as the plea of the petitioner is concerned, none of them could be granted by this Court. The right for a peaceful opposition cannot be curtailed. It is only when the public go beyond the four corners of law, then there could be an intervention. The question of directing the State to make the film tax free is within the discretion of the State. There cannot be a writ of mandamus to direct imposition or deletion of a tax in any manner whatsoever.

4. So far as the plea of the petitioner that there is a lot of hatred being spread, in our considered view, is only the imagination of the petitioner. If at all any event happens which crosses the limits of law, it is only then that the authorities who have been created to stop such activities can be invoked. In the instant case we do not find that the fundamental rights of the citizens to protest in a peaceful manner can be curtailed through a writ of mandamus.

5. Hence, for all these reasons the petition is dismissed. No order as to costs.

(RAVI MALIMATH)
CHIEF JUSTICE

Loretta

(VISHAL MISHRA)
JUDGE