

GAHC010210332018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL 62/2018

1:AVINASH BARO AND 3 ORS.

S/O- SRI PHUKAN CH BARO, PRESENTLY STUDYING AT IIT GUWAHATI
MECHANICAL DEPTT, NORTH GUWAHATI, AMINGAON, KAMRUP

2: BIKASH DAS

S/O- SRI JIBAN DAS
PRESENTLY STUDYING AT IIT
GUWAHATI
BIO TECHNOLOGY DEPTT
NORTH GUWAHATI
AMINGAON
KAMRUP

3: MONJIT DOLEY

S/O- SRI KRISHNA KANT DOLEY
PRESENTLY STUDYING AT IIT GUWAHATI MECHANICAL DEPTT
NORTH GUWAHATI
AMINGAON
KAMRUP

4: DHANIRAM TAW

S/O- SRI BIKRAM TAW
PRESENTLY STUDYING AT IIT GUWAHATI
MECHANICAL DEPTT
NORTH GUWAHATI
AMINGAON
KAMRU

VERSUS

1:THE UNION OF INDIA AND 8 ORS

REP. BY THE SECRETARY, MIN OF INFORMATION AND BROADCASTING,
A- WING, SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI-
110001

8:ANAND KUMAR
SHANTI KUTIR
SHANTI PATH
CHANDPUR BELA
JAKKANPUR
PATNA- 800001

9:ABHAYANAND
IPS
EX DGP
BIHAR
N H 98
BHSAULA DANAPUR (NEAR ASHWINI PUBLIC SCHOOL)
PATNA- 80150

Counsel for the Petitioner(s) : Mr. A. Goyal.

Counsel for the Respondent(s) : Mr. S. C. Keyal, Asstt. Solicitor General of India
for respondent No.1.
Mr. R. Sarma, learned counsel for respondent No.8.
Mr. D. Das, learned counsel for respondent No.9.

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

19.11.2019:
(Ajai Lamba, CJ)

1. To put the matter in perspective, we hereby extract order dated 21.09.2018:

“Heard Dr. A. Saraf, learned senior counsel for the petitioners. Also heard Ms. A. Gayan, learned Central Government counsel, appearing for the respondent No.1.

This Public Interest Litigation (PIL) is filed with the following prayers:-

“In the premises aforesaid, it is respectfully prayed that Your Lordships may graciously be pleased to admit this petition, call for

records and issue a Rule calling upon the respondents to show cause as to why –

I) A writ in the nature of Mandamus and/or like nature should not be issued constituting a high level independent body to make a detailed enquiry into the matter and submit its report before this Hon'ble Court and thereafter directs the CBI to register an FIR and investigate the matter under the supervision of this Hon'ble Court;

II) A writ in the nature of Mandamus and/or a Writ of like nature should not be issued directing the Respondents No.2, 5, 6 & 7 to stop production and release of the upcoming Movie 'Super-30' which carries false facts and details pertaining to the life of the Respondent No.8.

III) A writ in the nature of Mandamus and/or a Writ of like nature should not be issued directing the Respondent Nos.5 to 7 do research about the truthfulness of the story narrated by the Respondent No.8 and to incorporate the actual history of 'Super-30' in the movie;

IV) A writ in the nature of Mandamus and/or a Writ of like nature should not be issued directing the Respondent Nos.1 & 2 to verify properly before giving clearance for releasing the said movie and invite the petitioners and/or their representative to watch the movie 'Super-30' before giving clearance for release to be screened before General Public;

V) A writ in the nature of Mandamus and/or a Writ of like nature should not be issued restraining the Respondent Nos.5 to 8 in discussing/delivering speech in respect of 'Super-30';

VI) A writ in the nature of Mandamus and/or a Writ of like nature should not be issued directing the Respondent Nos.3 & 4 to do research about the truthfulness of the story narrated by the Respondent No.8 and restrain the Respondent No.4 from selling the biography of the Respondent No.8 'Super-30' book authored by the Respondent No.3 and upon cause and causes that may be shown by the parties, and after

hearing the parties, be pleased to make the Rule absolute and/or pass any other order or orders as Your Lordship may deem fit and proper;

-And –

Pending disposal of the instant petition, Your Lordships may be further pleased to stay the production and release of the upcoming Bollywood movie 'Super-30' and restrain the Respondent No.4 from selling the biography of the Respondent No.8 'Super-30' book authored by the Respondent No.3 and pass any other order or orders as Your Lordship may deem fit and proper."

However, during the course of the submission, Dr. Saraf has scaled down the prayers made in the petition and has submitted that this PIL may be entertained only with regard to the allegations made against the respondent No.8. He categorically submits that the issues relating to the biography, namely, "Super-30", published by Penguin Books India Private Limited, and the film in the making by the name of "Super-30", are not pressed and need not be gone into. He submits that a large number of students from North East, who had approached the respondent No.8 to be enrolled in 'Super-30', were admitted by him in a coaching institute by the name of "Ramanujan School of Mathematics", by charging an amount of ` 33,000/- per student and that it now appears that the respondent No.8 is not, in fact, running any Super-30 classes after the year 2008.

In view of the submissions of Dr. Saraf, prayers made in the PIL are rendered redundant, but we entertain the PIL only with regard to the allegations directly attributed to the respondent No.8.

The names of the respondent Nos.2 to 7 are struck off from the array of parties.

Registry will do the needful.

Accordingly, notice is issued only to the respondent No.8 & proforma respondent No.9. The notice is made returnable in 8(eight) weeks.

Steps for service of notice on the respondent Nos.8 & 9 by registered post with A/D."

2. In terms of the above extracted order, respondent Nos.8 and 9 are only relevant respondents.
3. A request for adjournment has been made by Sri H. K. Nath, advocate appearing on behalf of respondent No.8.
4. We hereby direct that respondent No.8 shall remain present in the Court in person on the next date of listing. In case respondent No.8 does not appear on the next date of listing, we shall be constrained on issuing bailable warrant of arrest for his production.
5. Let this petition be listed on **26.11.2019**, high up on the list.

JUDGE

CHIEF JUSTICE

Comparing Assistant