

SLP(C) 3964/2022

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ITEM NO.14

COURT NO.4

SECTION XI-A

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No.3964/2022

**(Arising out of impugned final judgment and order dated 02-03-2022
in WA No.218/2022 passed by the High Court of Kerala at Ernakulam)**

MADHYAMAM BROADCASTING LIMITED

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

**(With appln.(s) for IA No.35558/2022 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 34902/2022 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

WITH S.L.P.(C) No.4331/2022 (XI-A)

Date : 15-03-2022 These matters were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE VIKRAM NATH**

For Petitioner(s) Mr. Dushyant A Dave, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Mustaq Salim, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Azhar A., Adv.
Mr. Ameen Hassan, Adv.
Ms. Pallavi Pratap, AOR

Mr. Radha Shyam Jena, AOR

For Respondent(s) **Mr. K.M. Nataraj, ASG**
 Mr. S.V. Raju, ASG
 Ms. Sairica Raju, Adv.
 Mr. Shailesh Madiyal, Adv.
 Ms. Swarupama Chaturvedi, Adv.
 Mr. Apoorv Kurup, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Amrish Kumar, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The challenge in these proceedings is to a judgment dated 2 March 2022 of a Division Bench of the High Court of Kerala. The judgment of the High Court has been rendered in a writ appeal arising from a judgment of a Single Judge. The petitioners had challenged the orders of the Union government dated 31 January 2022 by which the permission which was granted to Madhyamam Broadcasting Limited for uplinking and downlinking of a news and current affairs TV channel by the name of Media One was revoked.
- 2 During the course of the hearing before the Single Judge, two files relating to Madhyamam Broadcasting Limited (the first in relation to Media One Life and Media One Global, and the second relating to Media One TV) were produced. The files were not shared with the petitioners. Security concerns were cited.
- 3 The Division Bench of the High Court has observed:

“It is true that the nature, impact, gravity and depth of the issue is not discernible from the files. But, at the same time, there are clear and significant indications impacting the public order and security of the State. Since it is a confidential and sensitive file maintained by the Ministry of Home Affairs, Union of India, we are not expressing anything further in the interest of national security, public order and other aspects concerning the administration of the nation.”

4 The High Court has also observed:

“But, as we have pointed out above, even though too many details are not available in the files produced before us, we are of the view that there are certain aspects affecting the public order or the security of the State on the basis of the report of the Intelligence Bureau and other Investigating agencies.”

5 In pursuance of the order of this Court dated 10 March 2022 issuing notice, Mr K M Nataraj and Mr S V Raju, Additional Solicitors General have appeared on behalf of the respondents.

6 In pursuance of the earlier direction, the files were produced in the Court.

7 Mr Dusyhant A Dave, learned senior counsel appearing on behalf of the petitioners, assailed the approach of the High Court in declining to disclose the contents of the files to the petitioners. Mr Dave pressed the application for interim relief and submits that there is no objection to this Court perusing the files. Accordingly, during the course of the hearing, the files have been perused by the Court.

8 At the present stage, we are of the view that a case for the grant of interim relief has been made out on behalf of the petitioners having due regard to the contents of the files which have been perused by the Court.

9 We accordingly order and direct that pending further orders, the order of the Union government dated 31 January 2022 revoking the security clearance which was granted to the petitioner, Madhyamam Broadcasting Limited, shall remain stayed. The petitioners shall be permitted to continue operating the news and current affairs TV channel called Media One on the same basis on which the channel was being operated immediately prior to the revocation of the clearance on 31 January 2022.

- 10 A counter affidavit be filed by the respondents on or before 30 March 2022. The rejoinder affidavit, if any, be filed within one week thereafter.
- 11 The issue as to whether the contents of the files should be disclosed to the petitioners in order to enable them to effectively pursue their challenge in these proceedings is expressly kept open to be resolved before the petitions are taken up for final disposal.
- 12 The files shall be produced in the Court on the next date of listing.
- 13 We clarify that perusal of the files by the Court at this stage is not an expression on the tenability of the contentions of the petitioners that they would be entitled to inspect the files. The issue is kept open to be resolved at the stage of the final disposal.
- 14 List the Special Leave Petitions on 7 April 2022 for final disposal.
- 15 Learned counsel for the parties shall file a brief note of submissions on or before 6 April 2022, which shall also be emailed to cmvc.dyc@gmail.com.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master