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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3207/2019

SUJEET KUMAR SINGH ..... Petitioner

Through: Petitioner in person.

versus

THE ELECTION COMMISSION OF INDIA & ORS

..... Respondents

Through: Mr. Sidhant Kumar, Adv. for R-1.

Ms. Malvika Kalra with

Ms. Natabrata Bhattacharya, Advs.  
for R-2 to 5.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **01.04.2019**

1. Petitioner has filed this petition in public interest and the prayer made in the writ petition reads as under:

*“1. Issue direction to the Election Commission India (**Respondent 1**) to act against the violation of the MCC by the makers of the film – “PM NARENDRA MODI”.*

*2. Issue direction to the producers (**Respondent 2 & 3**) and maker of the said film (**Respondent 4**) to postpone the release of the film till the declaration of the election result of 17<sup>th</sup> Lok Sabha of Indian Parliament (sic, Parliament).*

*3. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.”*

2. The question as to whether the movie in question is fit for public exhibition is an issue which has been considered by the Central Board of

Film Certification ('CBFC') in accordance to the statutory provision of the Cinematograph Act, 1952 and once the CBFC has cleared the movie for public viewing, we cannot interfere in the matter by exercising our extraordinary jurisdiction under Article 226 of the Constitution until and unless some violation of statutory provisions is pointed out.

3. That apart, the only ground canvassed in the writ petition is that release of the movie in question would have adverse effect on the ongoing election process; and thus it constitutes violation of the Model Code of Conduct for the ensuing elections. These aspects are purely within the domain of the Election Commission/respondent No.1 and, therefore, it is available to the petitioner to approach the Election Commission, if so advised; and we cannot issue any mandamus to the Election Commission in this regard. Our attention has been invited to an order passed by the Gujarat High Court in the case of *Bhavik Ranjit Samani vs. Varesh Sinha and Ors.*, W.P.(PIL) No. 234/2017 wherein also similar prayer was rejected and it was directed that it is open to the petitioners to pursue their representation before the Election Commission.

4. Once the election process has been put into motion, it is for the Election Commission to look into these aspects of the matter; and, therefore, in a Public Interest Litigation, at the instance of the petitioner, we see no reason to make any indulgence into the matter.

5. The writ petition is dismissed.

**CHIEF JUSTICE**

**ANUP JAIRAM BHAMBHANI, J**

**APRIL 01, 2019/kks**