

OD- 1&2

IN THE HIGH COURT AT CALCUTTA
(ORDINARY ORIGINAL CIVIL JURISDICTION)
ORIGINAL SIDE

G.A. No. 1 of 2024

With

GA No. 2 of 2024

In

C.S. No. 168 of 2024

DR. C. V. ANANDA BOSE

-VS-

SUSHRI MAMTA BANERJEE AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Dated: 15.07.2024

Appearance:

Mr. Dhiraj Trivedi, Adv.
Mr. Shailendra Kr. Mishra, Adv.
Mr. Rajdeep Majumdar, Adv.
Mr. Moyukh Mukherjee, Adv.
Mr. Sushil Mishra, Adv.
Mr. Amarjit Dey, Adv.
Mr. Yashashwi Sundariya, Adv.
Mr. Navneet Mishra, Adv.
Mr. Sunil Gupta, Adv.
Mr. Arpit Agarwal, Adv.
... for the plaintiff

Mr. S. N. Mookherjee, Sr. Adv.
Mr. Anirban Ray, Adv.

Mr. Piyush Agarwal, Adv.
Ms. Shrivalli Kajaria, Adv.
...for the defendant no. 1.

Mr. Kishore Dutta, Sr. Adv.
Mr. Sanjay Basu, Adv.
...for the defendant no. 2.

Mr. Jayanta Kr. Mitra, Sr. Adv.
Mr. Amit Kr. Nag, Adv.
Mr. Debjyoti Das, Adv.
...for the defendant no. 3

Mr. Dhruva Ghosh, Sr. Adv.
Mr. Rajarshi Dutta, Adv.
Mr. Ayan Chakraborty, Adv.
Mr. Dhruv Chadha, Adv.
Mr. Dhilon Sengupta, Adv.
...for the defendant no.4.

ORDER

1. Plaintiff has filed the present application for grant of interim order against the defendants. The plaintiff is the Governor of the State of West Bengal and is Constitutional Authority. The defendant no. 1 is the Chief Minister of the State of West Bengal and Chairperson of the All India Trinamool Congress. The defendant nos. 2 and 3 are the newly elected members of West Bengal State Legislative Assembly. The defendant no. 4 is the member of the All India Trinamool Congress.
2. Mr. Dhiraj Trivedi, Learned Advocate representing the plaintiff submits that the defendant no.1 made a defamatory statement in "Indian Express" at pages 1 & 2 and the "Times of India" at page 6 and "The Hindu" at page 1 on 28th June, 2024 against the plaintiff.

3. Mr. Trivedi submits that the similar defamatory statement made by the defendant no. 2 in the “Indian Express” at page nos. 1 and 2 on 28th June, 2024 against the plaintiff.
4. He submits that defendant no. 4 has made defamatory statement in Bengali newspaper, namely, “Khabar 365 Din” at page 3 dated 29th June, 2024 against the plaintiff. He submits that apart from the defamatory statement made by the defendant no. 4 in the newspaper in “Khabar 365 Din”, on or about 19:04 hours on 28th June, 2024, the Asian News Agency (ANI @ ANI) released a video of the defendant no. 4 in X (twitter.inc) (<https://x.com/ANI>) making vague threatening remarks against the plaintiff in order to pressurize the plaintiff to accept the request made by the defendant nos. 2 and 3. The plaintiff says that the video is widely circulated in public.
5. The plaintiff says that by the newspaper articles and the video release by the defendant nos. 1, 3 and 4 and each of them meant and/or were understood by the defendants to mean that:

“a) The Petitioner is not a virtuous person and that the women feel unsafe to go to the Governor's House.

b) The Petitioner is intentionally procrastinating for administering oath to the Respondent nos. 2 and 3 herein due to alleged political rivalry.

c) The Petitioner has been embroiled in a criminal case after a complaint has been lodged by a female staff of the Governor's House and thus, the Petitioner's character is questionable.

d) The Petitioner has been obstructing the course of administration of public duties by not allowing the Respondent Nos. 2 and 3 to take oath as Members of Legislative Assembly.

e) The Petitioner has done some mischievous act at Taj Palace, Delhi, questioning the moral turpitude of the Petitioner, as alleged by the Respondent no.4 herein.

f) The Respondents have made several allegations in the newspaper articles and the video published in twitter which the Respondents did not believe it to be true. The slanderous and libelous allegations have been made by the Respondent Nos. 1, 3 and 4 only to malign the reputation and goodwill of the Petitioner and/or his Officers in Governor House and to cause severe loss and injury to the Petitioner's name and to tarnish the public image of the Petitioner.

6. The plaintiff says that such false, frivolous, libelous allegation made by the defendant nos. 1, 3 and 4 in collusion and connivance with the defendant no. 2 against the plaintiff has injured the reputation and goodwill of the plaintiff as well as his office being the Governor of the State of West Bengal and has exposed him to hatred, contempt, ridicule amongst others.
7. The plaintiff says that the allegations made by the defendants nos. 1, 3 and 4 in the newspaper articles as well as in the video published in twitter are wholly untrue and without any basis. He submits that the insinuation or the innuendoes have caused tremendous mental and emotional agony to the plaintiff and have brought him to public ridicule and contempt.

8. Mr. Dhiraj Trivedi, Learned Advocate representing the plaintiff relied upon the judgment in the case of ***Isha Distribution House Private Limited –vs- Aditya Birla Nuvo Limited & Anr.*** reported in **(2019) 12 SCC 205** and submitted that territorial jurisdiction is a mixed question of law and fact and the same is to be raised in the written statement so that the Court can try the suit on its merit in accordance with law.
9. Mr. Trivedi has relied upon the judgment in the case of ***Arvind Kejriwal –vs- State & Anr.*** reported in **2024 SCC OnLine Del 719** and submitted that when a public figure, particularly one with a political standing, tweets or retweets a defamatory post, the stakes and repercussions escalate given the broader implications on society.
10. Mr. Trivedi relied upon the judgment in the case of ***Vinai Kumar Saxena –vs- Aam Aadmi Party & Ors.*** reported in **2022 SCC OnLine Del 3093** and submitted that the publications made in the several newspapers and YouTube Channel are per se defamatory and have been made only for the purpose of malign the reputation of the plaintiff.
11. Mr. Trivedi relied upon the judgment of unreported case of ***Soumendra Kumar Biswas –vs- Sheshadari Goswami & Ors.*** passed in **FMAT No. 72 of 2023** dated 18th October, 2023 and submitted that the reputation of a person is one of the primary factor which weighs in the society and any attempt either by a spoken word or publication or letters circulated through internet portal on the basis of an unsubstantiated and false allegation can be restrained.

12. Mr. S.N. Mookherjee, Learned Senior Advocate representing the defendant no. 1 submits that the suit and the application filed by the plaintiff is not maintainable in the eyes of law as the plaintiff has not made the publishers and media personnel as defendants who alleged to have published on the newspaper and released on the YouTube. He submits that the defendant no. 1 will justify that the publication is made for the public interest and there is no defamation article published in the said newspaper.
13. Mr. Mookherjee, Learned Senior Advocate submits that he will justify by placing all the materials bringing on record by way of affidavit that on the basis of the documents available with the defendant no. 1 has made the said statement. He submits that the incident of Raj Bhavan is already on public domain and as such it cannot be said that the said articles are defamatory.
14. Mr. Mookherjee submits that the plaintiff has filed the suit claiming damages but the verification and the affidavit is affirmed through the constituted Power of Attorney and as such the suit itself is not maintainable. He submits that the plaintiff has not disclosed where the publication was and when the publication is circulated.
15. Mr. Mukherjee in support of his submission relied upon the judgment in the case of ***Bloomberg Television Production Services India Limited & Ors. -vs- Zee Entertainment Enterprises Limited*** reported in ***2024 SCC OnLine SC 426*** and submitted that grant of pre-

trial injunction against the publication of an article may have severe ramifications on the right to freedom of speech of the author and the public's right to know.

16. Mr. Mukherjee relied upon the judgment in the case of **V. Senthil Balaji -vs- A. Shankar** reported in **2023 SCC OnLine Mad 4002** and submitted that the defendant no. 1 is a public person and the allegations made in the paper publication and YouTube are already available in public domain and as such no injunction can be granted.
17. Mr. Mukherjee relied upon the judgment in the case of **R. Rajagopal @ R.R. Gopal & Anr. -vs- State of Tamilnadu & Ors.** reported in **(1994) 6 SCC 632** and submitted that where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made with reckless disregard for truth, in such a case, it would be enough for the defendant to prove that he had acted after a reasonable verification of the facts, it is not necessary for him to prove that what he has written is true.
18. Mr. Mookherjee submits the plaintiff has prayed for a temporary injunction restraining the defendants from giving any effect or further effect of the impugned articles published in the newspaper dated 28th June, 2024 and 29th June, 2024 as well as the video uploaded on 28th June, 2024 but the same was not published by the defendants and the plaintiff has not made the publishers as party defendant, against whom the interim order as prayed for by the plaintiff can be passed.

19. Mr. Kishore Dutta, Learned Senior Advocate, representing the defendant no. 2 submitted that he has adopted the submissions made by Mr. Mookherjee. In addition to the submission of Mr. Mookherjee, Mr. Dutta submits that the articles against which the plaintiff has filed the present suit are not defamatory. He has drawn the attention of this Court to the communications made between the plaintiff and the defendant no. 2 with regard to affirmation of oath of the defendant no. 2 and in none of the representations of the defendant no. 2 has made any defamatory averments against the plaintiff.
20. Mr. Dutta submits that the plaintiff is the Governor of the State of West Bengal and he is enjoying the immunity under the Constitution. Mr. Dutta relied upon the judgment in the case of **R. Rajagopal @ R.R. Gopal & Anr. -Vs- J. Jayalalitha & Anr.** reported in **2006-2-L.W. 377** and submitted that the defendant no. 2 is the elected legislative member of State of West Bengal and everything which happened within or outside of her household was of interest of public and the defendant no. 2 have a right to comment and write about the same.
21. Mr. Jayanta Kumar Mitra, Learned Senior Advocate representing the defendant no.3 submits that he also adopts the submissions of Mr. Mookherjee and in addition, Mr. Mitra submits that without author of articles and publishers of any publication there cannot be any defamation. He submits that how this Court can pass an order of injunction for giving any further effect as the publication is already made and publishers have not been made as party to the suit.

22. Mr. Mitra submits that prayer (d) of the plaint itself is misconceived. He submits that all communications made by the defendant no.3 with the plaintiff was with full respect and the defendant no.3 has not made any defamatory statements.
23. Mr. Dhruba Ghosh, Learned Senior Advocate representing the defendant no.4 submits that all the publications are made in connection with affirmation of oath of the defendant nos. 2 and 3 and now oath process have been concluded and matter is resolved. He submits that the publications on the basis of which the plaintiff has filed the present suit are not defamatory.
24. Mr. Ghosh submits that there is no cause of action for filing of the suit arose and the plaintiff has not disclosed any cause of action. He submits that the plaintiff has filed the suit against the publication made in the newspaper but the plaintiff has not made them as party to the suit.
25. Mr. Ghosh submits that the plaintiff has seen such paper publications in Raj Bhavan which situated within the jurisdiction of this Court then how the cause of action arose out of the jurisdiction of this Court.
26. Heard the Learned Counsel for the respective parties, perused materials on record and the judgments relied by the parties.

27. Before proceeding further it would be proper to quote the relevant paper publication on the basis of which the plaintiff has filed the present suit which reads as follows:

“INDIAN EXPRESS

DATED 28-06-2024 Page 1 and 2

"Why must everyone go to Raj Bhavan? The Governor can authorise the Speaker or Deputy Speaker, or to attend the Assembly himself. Women have informed me that they are not feeling safe to visit Raj Bhavan due to recent incidents there/ reported there," she added."

THE TIMES OF INDIA

Date: 28-06-2024 Page: 6

"...CM Mamata Banerjee on Thursday took aim at Bengal governor CV Ananda Bose, saying "women don't feel safe to go to Raj Bhavan".

"...The CM said: "The governor is not allowing MLAs to take oath and has kept them waiting. He did not authorise the speaker or the deputy speaker to administer the oath. Why should the MLAs go to Raj Bhavan?" She added that the legislators haven't been able to start working due to the delay in swearing-in.

"...The CM said that keeping in mind the incident at Raj Bhava, women didn't feel safe to go there...."

THE HINDU

Date: 28-06-2024 Page: 1

"...Amid the row over the venue for the swearing-in of two Trinamool Congress MLAs-elect, West Bengal Chief Minister Mamata Banerjee on Thursday said women "are not feeling safe" in Raj Bhavan and Governor C.V. Ananda Bose has no right to delay the oath-taking of her party's legislators."

"....Why must everyone go to Raj Bhavan? The Governor can authorise the Speaker or Deputy Speaker, or to attend the Assembly himself. Women have informed me that they are not feeling safe to visit Raj Bhavan due to recent incidents here," she said."

"The Chief Minister was alluding to the case of harassment levelled against the Governor by a woman staff at Raj Bhavan in May...."

"... Cannot deny right'

Breaking her silence on the issue that has been festering for the past several weeks, the Chief Minister said, "Nearly a month has passed but my MLAs are unable to take oath. The Governor is obstructing them from doing so. It is the people who have elected them, not the Governor. He cannot deny them the right to take oath".

The Chief Minister and the Ministers of the State government have not visited Raj Bhavan since May 2....."

INDIAN EXPRESS

DATED 28-06-2024 Page 1 and 2

"She was scared to go to Raj Bhavan to take oath as public representative in backdrop of molestation allegations against the Governor by a woman of Raj Bhavan staff member"

KHABAR 365 DIN

Date: 29-06-2024 Page: 3

"...Edike sapathe jatilata ta iriniye Trinamuler Mukhapatra Kunal Ghosh Rajyapal K deadline bendhe diechen. Tini edin janiyechen Rajyapal jadiei dui natun bidhayak k hanastha kara na bandha Karen tahale Dilli Taj Palace Hotel er aprakasita adhayay samne asbe. Tini aro janiyechen Sombar dupur tinter madhye Rajyapal Sapatna graham korle tabey tiniei padakhhep neben. Ullekhya oi hotelai thake jauna nirjaton korechen Rajyapal bole etimadhya ek nritya shilpi avijog korechen Pulice a...".

28. The dispute between the plaintiff and defendants arose with respect to Administration of Oath of defendant nos. 2 and 3 as both have newly elected in the Bye-Election as member of West Bengal Legislative Assembly. Secretariat of the plaintiff informed the defendant nos. 2 and 3 for administration of oath at Raj Bhavan on 26th June, 2024 at 12.30 PM but in reply to the said notice, the defendant nos. 2 and 3 by their respective letters requested the plaintiff for making necessary arrangements for affirmation of oath before the Hon'ble Speaker, West Bengal Legislative Assembly at Assembly House at Kolkata and the said matter also published in several newspaper. The plaintiff has enclosed the communications made between plaintiff and defendant nos. 2 and 3 and has also enclosed paper publications in connection with respect to the said dispute between plaintiff and defendant nos. 2 and 3. The said publications dated 21st June, 2024 and 23rd June, 2024 are not the subject-matter of this case.

29. In "Indian Express", the daily English newspaper dated 28th June, 2024, it is published that *"Mamata alleged that she has received complaints from women who claimed that they felt unsafe going to the Raj Bhavan after reports of certain activities were reported from there"*.

"Meanwhile, Baranagar MLA Sayantika Bandyopadhyay, who along with Bhagabangola MLA Rayat Hossain Sarkar sat on the dharna before the BR Ambedkar statue in the Vidhan Sabha complex, said she was scared to go to Raj Bhavan to take oath as a Public representative in

the backdrop of molestation allegations against the Governor by a woman Raj Bhavan staff member”.

30. In “Times of India”, dated 28th June, 2024, it is published that “Not referring to the two molestation complaints - one by a former staff and another by a Odissi dancer - against Bose, the C.M. said that keeping in mind the incidents at Raj Bhavan, women didn’t feel safe to go there.”
31. As per the case of the defendant no. 1, the defendant no.1 had made fair comments on issue of public interest and the said publications are not defamatory. He further submitted that she will disclose the names of the Women, who expressed their apprehension to go to Raj Bhavan. He further submits that as regard institution of criminal proceeding against the plaintiff, the plaintiff enjoys complete immunity under Article 361(1) of the Constitution of India and the matter is pending before the Hon’ble Supreme Court.

In the case of ***Bloomberg Television Production Services India Private Limited and Others (supra)***, the Hon’ble Supreme Court held that:

*“7. Significantly, in suits concerning defamation by media platforms and/or journalists, an additional consideration of balancing the fundamental right to free speech with the right to reputation and privacy must be borne in mind.⁵ The constitutional mandate of protecting journalistic expression cannot be understated, and courts must tread cautiously while granting pre-trial interim injunctions. The standard to be followed may be borrowed from the decision in *Bonnard v. Perryman*.⁶ This standard, christened the ‘Bonnard standard’, laid down by the Court of*

*Appeal (England and Wales), has acquired the status of a common law principle for the grant of interim injunctions in defamation suits.^z The Court of Appeal in *Bonnard (supra)* held as follows:*

“...But it is obvious that the subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no wrongful act is done; and, unless an alleged libel is untrue, there is no wrong committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a strong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions.”

8. *In *Fraser v. Evans*, the Court of Appeal followed the *Bonnard* principle and held as follows:*

*“... in so far as the article will be defamatory of Mr. Fraser, it is clear he cannot get an injunction. The Court will not restrain the publication of an article, even though it is defamatory, when the defendant says he intends to justify it or to make fair comment on a matter of public interest. That has been established for many years ever since (*Bonnard v. Fryman*, [1891] 2 Ch. 269). ‘The reason sometimes given is that the defences of justification and fair comment are for the jury, which is the constitutional tribunal, and not for a Judge. But a better reason is the importance in the public interest that the truth should out. ...”*

9. *In essence, the grant of a pre-trial injunction against the publication of an article may have severe ramifications on the right to freedom of*

speech of the author and the public's right to know. An injunction, particularly ex-parte, should not be granted without establishing that the content sought to be restricted is 'malicious' or 'palpably false'. Granting interim injunctions, before the trial commences, in a cavalier manner results in the stifling of public debate. In other words, courts should not grant ex-parte injunctions except in exceptional cases where the defence advanced by the respondent would undoubtedly fail at trial. In all other cases, injunctions against the publication of material should be granted only after a full-fledged trial is conducted or in exceptional cases, after the respondent is given a chance to make their submissions.

In the instant case, the dispute arose between the plaintiff and the defendants with respect to affirmation of oath of the defendant nos. 2 and 3. The allegations made by the defendants in the publication that the defendants do not intent to go to Raj Bhavan on some allegations of molestation against the plaintiff and the defendants even requested the plaintiff either to allow the Speaker of the West Bengal Assembly at Assembly House or the plaintiff can administer oath under Article 188 of the Constitution of India in the Assemble premises. As regard the allegations against the plaintiff of molestation, the defendant no.1 submits that she will disclose the names of the Women, who expressed their apprehension to go to Raj Bhavan.

32. In the case of **R. Rajagopal @ R.R. Gopal (supra)**, the Hon'ble Supreme Court held that:

“(3) There is yet another exception to the rule in (1) above — indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not

available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties, the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above. It needs no reiteration that judiciary, which is protected by the power to punish for contempt of court and Parliament and legislatures protected as their privileges are by Articles 105 and 104 respectively of the Constitution of India, represent exceptions to this rule.”

33. In the case of **V. Senthil Balaji (supra)**, the Madras High Court held that:

“50. It is true that the right to freedom of speech as enshrined in Article 19(1)(a) cannot be usurped to damage the reputation of an individual. Reputation of an individual had been traced to Article 21 of the Constitution of India. The Hon'ble Apex Court in the judgment reported in (2016) 7 SCC 221 had dealt with balancing of the rights available under Article 19(1)(a) and Article 21. But, however, considering the fact that the applicant herein admittedly is a public person. The Youtube videos & tweets tabulated supra only make various allegations as against the applicant in performance of his official duties. Further most of the statements are already available in public domain. In view of the judgment rendered by the Hon'ble Apex Court in (1994) 6 SCC 632 which has been also followed by a Division Bench of this Court in R. Rajagopal's case in (2006) 2 LW 377. I am of the considered

view that there cannot be any injunction as prayed for against the respondent.”

34. In the present case with regard to complaint against the plaintiff and his officials is in public domain since the complaint received by the concerned police station. The plaintiff has also approached the Supreme Court challenging the immunity claimed by the plaintiff from criminal prosecution under Article 361 of the Constitution of India. One of the accused involved in the said criminal case has approached this Court for quashing the criminal proceedings and the proceeding is pending for adjudication. The FIR initiated by the Police is also in public domain. Since after the complaint is made against the plaintiff and the officials of Raj Bhawan, the same is published in various newspapers and is available in public domain.
35. The plaintiff is a Constitutional Authority. He cannot meet the personal attacks being made by the defendants against him by taking the benefit of social media platform. The defendants had the knowledge that the criminal complaint initiated against the plaintiff is pending before the Court of law.
36. Under Article 19(1)(a) of the Constitution of India afford the right of freedom of speech and expression to all persons. However, the same is subject to restrictions under Article 19(2) of the Constitution of India, which includes defamation. Therefore, the right to freedom of speech and expression is not an unfettered right in the garb of which defamatory statements can be made to tarnish the reputation of a

person. The fundamental rights of freedom of speech has to be balanced with the right of reputation of an individual, which has been held to be basic element of the right to life as provided under Article 21 of the Constitution of India.

37. In the case of **John Thomas Vs. Dr. K. Jagadeesan** reported in **(2001) 6 SCC 30**, the Hon'ble Supreme Court held that :

“10. Shri Sivasubramaniam, learned Senior Counsel for the appellant contended that the imputations contained in the publication complained of are not per se defamatory. After reading the imputations we have no doubt that they are prima facie libellous. The only effect of an imputation being per se defamatory is that it would relieve the complainant of the burden to establish that the publication of such imputations has lowered him in the estimation of the right-thinking members of the public. However, even if the imputation is not per se defamatory, that by itself would not go to the advantage of the publisher, for, the complaining person can establish on evidence that the publication has in fact amounted to defamation even in spite of the apparent deficiency. So the appellant cannot contend, at this stage, that he is entitled to discharge on the ground that the imputations in the extracted publication were not per se defamatory.”

38. In the case of **Vinai Kumar Saxena Vs. Aam Aadmi Party & Others** (*supra*), the Delhi High Court held that:

“30. On a prima facie view, the various statements/interviews/press conferences/tweets/retweets/hashtags made by the defendants are per se defamatory. The same have been made in a reckless manner, without any factual verification, in order to tarnish the reputation of the plaintiff. It cannot be gainsaid that reputation of a person is earned after years and

the same cannot be tarnished by any other individual in a casual manner. The damage caused to the reputation of an individual is immediate and far-reaching on the internet. So long as the impugned content continues to be in circulation and visible on social media, it is likely to cause continuing damage to the reputation and image of the plaintiff. Balance of convenience is in favour of the plaintiff and against the defendants. Grave and irreparable harm and injury would be caused to the reputation of the plaintiff if the aforesaid defamatory content continues to exist on the internet and the social media platforms of Defendants 7 and 8 and/or if the defendants are permitted to continue making defamatory statements of this nature against the plaintiff.”

39. In the present case though the learned Counsel for the defendant no.1 submitted that the defendant no.1 had made a fair comments on issue of public interest and the said publication are not defamatory. He further submitted that she will disclose the names of the Women, who expressed their apprehension to go to Raj Bhawan. It is true that the allegation against the plaintiff is already on public domain and lodging of criminal complaint against the plaintiff is pending before the Court of law for adjudication.
40. This Court is of the view that in appropriate cases where the Court is of the view that the statements have been made in reckless manner in order to cause injury to the reputation of the plaintiff, the Court would be justified in granting injunction. If at this stage, an interim order is not granted it would give the free hands to the defendants to continue making defamatory statements against the plaintiff and continue to tarnish the reputation of the plaintiff.

41. In the present case, admittedly the plaintiff is a Constitutional Authority. The allegation made against the plaintiff is pending before the appropriate Court but even, paper publication is made by making allegation against the plaintiff. Considering the above circumstances, this Court finds that the plaintiff has made out a prima facie case and balance of convenience are in favour of the plaintiff and at this stage, an interim order is not granted and the defendants are permitted to continue making defamatory statement against the plaintiff, the plaintiff will further suffer irreparable loss and injury of his reputation.
42. In view of the above, the defendants are restrained from making any defamatory or incorrect statement against the plaintiff by way of publication and on social platforms till 14th August, 2024.
43. Let affidavit in opposition be filed within two weeks, reply within one week thereafter. List the matter on 14th August, 2024.
44. Counsel for the defendants has filed the application being GA 2 of 2024 prays for revocation of leave granted by this Court.
45. Counsel for the plaintiff prays for time to file affidavit in opposition. Let affidavit in opposition be filed within two weeks from date. Affidavit in reply, if any, thereto be filed within a week thereafter.
46. Let the matter appear on 14th August, 2024.
47. Counsel for the defendant no. 4 is granted leave to file supplementary affidavit by enclosing the plaint and documents in GA 2 of 2024.

(KRISHNA RAO, J)

p.d/-