

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 05TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP NO.327 OF 2020

PETITIONER:

M/S FRESHTOHOME FOODS PRIVATE LIMITED,
REPRESENTED BY MR. MATHEW JOSEPH,
CHIEF OPERTIVE OFFICER,
HAVING ITS REGISTERED OFFICE AT CARLTON TOWERS,
NO.1, 2ND FLOOR,
HAL OLD AIRPORT ROAD, BENGALURU, PIN: 560008

BY ADVS.

SRI.ANEESH K.M
SRI. SANTHOSH KUMAR.
SRI. ADARSH KUMAR
SRI. BIJU VARGHESE ABRAHAM
SRI. DILEEP CHANDRAN
SRI. SHASHANK DEVAN

RESPONDENTS : :

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF COMMUNICATIONS,
DEPARTMENT OF TELECOMMUNICATIONS, SANCHAR BHAWAN, 20,
ASHOKAROAD,NEW DELHI-110 001.

2.THE SECRETARY,
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY,
GOVERNMENT OF INDIA, ELECTRONICS NIKETAN,
6. CGO COMPLEX, LODHI ROAD,
NEW DELHI-110 003.

3.TELECOM REGULATORY AUTHORITY OF INDIA LIMITED,
THROUGH ITS CHAIRMAN, MAHANAGARDOORSANCHARBHAWAN,
JAWAHARLAL NEHRU MARG, NEW DELHI-110 002.

4.COMPUTER EMERGENCY RESPOND TEAM-INDIA (CERT-IND)
MINISTRY OF ELECTRONIC AND INFORMATION TECHNOLOGY,
GOVERNMENT OF INDIA, NEW DELHI-110 002.

5.THE SECRETARY TO GOVERNMENT,

DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695 001.

6.THE STATE POLICE CHIEF, KERALA POLICE,
THIRUVANANTHAPURAM-695 014.

7."YOU TUBE" VIDEO SHARING SITE,
GOOGLE INDIA HEAD OFFICE ADDRESS: GOOGLE INDIA PVT. LTD.
BLOCK 1, DIVYASREE OMEGA, SURVEY NO.13,
KONDAPUR VILLAGE, HYDERABAD,
ANDHRA PRADESH, INDIA, +91-40-66193000

8. SUNIL MATHEW , I2I NEWS,
ALTHARAKKAL BUILDING, O STREET, JAWAHAR NAGAR,
THIRUVANANTHAPURAM, PIN-695003.

9. THE CHIEF EXECUTIVE OFFICER, I2I NEWS,
ALTHARAKKAL BUILDING, O STREET, JAWAHAR NAGAR,
THIRUVANANTHAPURAM, PIN-695003

10. THE CHIEF EDITOR, , I2I NEWS,
ALTHARAKKAL BUILDING, O STREET, JAWAHAR NAGAR,
THIRUVANANTHAPURAM, PIN-695003.

11 .THE DIRECTOR, PACEART WEBNINK INFOSOLUTIONS
PRIVATE LIMITED., KIZHAKKUMKARA HOUSE,
KATTAMPALLY, THUDYANNOOR, KOLLAM 691536.

SRI.P.VIJAYAKUMAR, ASGI

THIS WRIT PETITION HAVING COME UP FOR ADMISSION
ON 05.05.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

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Dated this the 5th day of May, 2020

Petitioner claims that it is one of the front runners in e-commerce relating to meat, fish and other essential food products. In recognition of its services, it has even been permitted to continue its services during the period of Covid-19. The grievance of the petitioner in the writ petition concerns an alleged false and defamatory news that spread in respect of its functioning through internet and other electronic media especially through a You Tube online News Channel called i2i News.

2. Petitioner lodged Ext.P5 complaint before the 5th respondent. It is alleged that spreading of news of this particular nature can be blocked only by the 4th respondent CERT India and in terms of the procedures prescribed, the fourth respondent can act on a complaint only if the same is forwarded to them by the 5th respondent. The prayer made by the learned counsel Adv. Sri.

Shashank Devan on behalf of the petitioner is that in the circumstances a direction to the 5th respondent to make an appropriate reference of Ext.P5 complaint to the 4th respondent so as to take action would suffice.

3. The learned Government Pleader submits that by virtue of notification issued under Section 66 of the Information Technology Act, the Secretary of the IT Department who has arrayed as 5th respondent herein himself is now empowered to take action on such complaints. In the circumstances and having regard to the facts and circumstances of the case, I direct 5th respondent to dispose of Ext.P5 at the earliest and initiate appropriate action forthwith. Needless to say that the 5th respondent shall take appropriate steps in accordance with law without any further delay so as to cause minimal harm to the petitioner.

The writ petition is disposed of as above.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONERS EXTS:

EXHIBIT P1: TRUE COPY OF THE LEGAL NOTICE DATED 25-04-2020
DISPATCHED ON BEHALF OF THE PETITIONER COMPANY.

EXHIBIT P2 TRUE COPY OF PETITION DATED 22-04-2020 FILED BEFORE
THE STATION HOUSE OFFICER, MUSEUM POLICE STATION,
THIRUVANANTHAPURAM

EXHIBIT 2(A) TRUE COPY OF THE RECEIPT OF ACKNOWLEDGEMENT OF
EXHIBIT P2; DATED 22-04-2020

EXHIBIT P3 TRUE COPY OF THE OF THE PETITION DATED 22-04-2020
FILED BEFORE THE STATION HOUSE OFFICER, CYBER CRIME POLICE
STATION , THYCAUD, THIRUVANANTHAPURAM.

EXHIBIT P3(A) TRUE COPY OF THE OF THE RECEIPT OF
ACKNOWLEDGEMENT OF EXHIBIT P3; DATED 22-04-2020

EXHIBIT P4: TRUE COPY OF THE NOTIFICATION DATED 27-02-2003
ISSUED BY THE MINISTRY OF COMMUNICATIONS AND INFORMATION
TECHNOLOGY (DEPARTMENT OF INFORMATION TECHNOLOGY)

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION MADE BY THE
PETITIONER TO THE 5TH RESPONDENT

EXHIBIT P6 TRUE COPY OF THE JUDGMENT DATED 28-10-2019 PASSED
BY THIS HON'BLE COURT IN WP (C) NO. 28336/2019

EXHIBIT P7: TRUE COPY OF THE JUDGMENT DATED 26-11-2019 PASSED
BY THIS HON'BLE COURT IN WP (C) NO. 31721/2019