



\$~100

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11.12.2024

+ W.P.(C) 13275/2019, CM APPL. 53972/2019, 5543/2020 & 38829/2023

SANJAY R HEGDE

.....Petitioner

Through: Mr. Pranjal Kishore & Ms. Madiya
Mushtaq, Advocates.

versus

THE MINISTRY OF ELECTRONICS AND INFORMATION
TECHNOLOGY AND ANR.

.....Respondents

Through: Mr. Amit Tiwari, CGSC for UOI.
Mr. Ankit Parhar & Mr. Abishek
Kumar, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The grievance of the Petitioner as articulated in his prayers in the present Petition reads as follows:

“a) Issue an appropriate Writ, Order, Declaration or Direction in the nature of Mandamus directing Respondent No.1 to lay down guidelines in exercise of its powers under Section 79 (2) (c) read with Section 87 (2) (zg) of the Information Technology Act to ensure that any censorship on social media is carried out strictly in accordance with the provisions of Article 19 of the Constitution.

b) Issue an appropriate Writ, Order, Declaration or Direction directing Respondent No.2 to restore the suspended Twitter account, '@sanjayuvacha' of the Petitioner.

c) Issue guidelines or directions to ensure that any censorship on social media is carried out strictly in accordance with the provisions of Article



19 of the Constitution till such time as rules/guidelines are framed by Respondent No.1.”

2. *CM APPL. 38829/2023* was filed by the Respondent No. 2 seeking disposal of W.P.(C) 13275/2019 as infructuous since the prayers in the present Writ Petition has been satisfied.

3. It is the contention of the Respondent No. 2 that on 09.01.2023, the Petitioner’s twitter account was reinstated, thus prayer ‘b’ does not survive. In addition, it is contended by the Respondent No. 2 that so far as concerns prayer ‘a’ and ‘c’, the same have also become infructuous since the Respondent No. 1 has framed Information Technology [Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 [hereinafter referred to as “IT Rules, 2021”] in February 2021.

4. Learned Counsel for the Respondent No. 2 contends that given the fact that the reliefs sought in the Petition have already been granted, keeping the Petition pending, would only be an academic exercise.

5. Learned Counsel for the Petitioner submits that ‘X’ [erstwhile Twitter] account of the Petitioner was suspended by Respondent No.2 for the use of a famous anti-nazi picture on his profile, *albeit* without any prior notice or objection. Learned Counsel for Petitioner submits that it was only pursuant to the filing of the present Writ Petition, that the ‘X’ account of the Petitioner was restored by Respondent No.2 on 09.01.2023. However, it is averred that even today the same picture that was used by the Petitioner earlier, is reflected on the account of the Petitioner.

5.1 Learned Counsel further submits that since there is no explanation by the Respondent No. 2 for why the account was suspended and later restored, there is no assurance that the account will not be suspended again for the



same reason.

6. Learned Counsel for the Respondent No.1 submits that the Respondent No. 2 is required to comply with the IT Rules 2021 and other related applicable laws prior to taking any steps.

7. In view of the foregoing, the Writ Petition is disposed of with the directions that no action shall be taken against the Petitioner by the Respondent No. 2, except in accordance with the law and applicable statutory rules and guidelines.

8. All pending Applications stand closed.

TARA VITASTA GANJU, J

DECEMBER 11, 2024/ ha

Click here to check corrigendum, if any