



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16420 OF 2024

Namrata Ankush Kawale & Anr.

... Petitioners

Vs.

Tukaram Nivrutti Karve & Ors.

... Respondents

Mr. Nitin Kasliwal a/w. Mr. Aniket Pawar, Ganu Keluskar, Pranjal Shewale and Sarjerao Lawand for the petitioner.

Dr. Amad S. Tikak for respondent no. 1.

Ms. Sanskruti Harode i/b. Parinam Law Associates for respondent no.3.

Mr. B.V. Samant, Addl. G.P. a/w. Ms. T.J. Kapre, AGP for respondent no. 4/State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATED: 10 MARCH, 2025

P.C.

1. This case brings to the fore a serious issue, namely, of the unauthorized use of the photograph of petitioner no. 1, by various political parties and the State Governments in advertising their different schemes. They are impleaded as respondents to this petition.

2. The petitioners case is that respondent no. 1 belongs to petitioner no. 1's village, who some years back visited the village and had taken photographs of petitioner no. 1. However, without her consent, he uploaded the photograph on the website of respondent no. 2, namely, **shutterstock.com**, which is stated to be a US based company. It appears that the political parties as also the Government of Maharashtra, Government of

Telangana, Congress Party of Telangana as also some private agencies-respondent no. 8, Ministry of Rural Development, State of Odisha, State of Karnataka have all utilized the photograph of petitioner no. 1 without the petitioner's knowledge much less any consent. Large number of advertisements which were issued by different State Governments of their hoardings, installed at different places throughout the country as also on the online platform are annexed to the petition from page 35 to page 96. Thus, the case of the petitioner is that without any prior permission from her, of whatsoever nature, use of the petitioner's photograph for all such purposes, which is quite recent, is patently illegal.

3. *Prima facie*, it appears to be a commercial exploitation of the petitioner's photograph. This is alleged to have happened completely without the petitioner even being informed about the same. It is, therefore, the petitioner's contention even if she hails from the rural area, this is a case of serious breach of petitioner's right to privacy as a women and such rights as guaranteed to her under the Constitution. It is her contention that the breach of her privacy, as in the present case, is extremely alarming and such illegality could not have taken place from responsible bodies like the respondents, who are supposed to adhere to law.

4. It is in these circumstances, the petitioner being seriously aggrieved on her fundamental rights being breached, namely, the right to privacy, personal liberty, freedom of movement and the right to pursue a career, has

approached this Court that the respondents be permanently restrained from using, displaying, distributing, sharing, diverting, selling or in any manner utilizing her photograph on their website boards, social media platforms, advertisement, promotions, sub-promotions or any other medium and that appropriate action be taken against the respondents for such illegality.

5. From certain photographs and as seen from the screenshots, it appears that petitioner no. 1's photograph was made available freely by respondent no. 2, to be downloaded by any person and to be utilized. Whether any foreign company is permitted to indulge in such activities, is another issue which is required to be addressed. The "State" which would be the custodian of personal rights of the Indian citizens when such rights become vulnerable to be invaded by the activities of entities like respondent no. 2 – a foreign company. Such is the grievance of the petitioner.

6. The issues are quite serious, considering the contemporary times of an electronic era and social media. The respondents need to answer the writ petition. Issue notice to respondent no. 2 to be served by the Registry through the Ministry of External Affairs and the US Consulate at Mumbai/New Delhi.

7. Also, issue notice to respondent nos. 5, 6, 7, 8, 9, 10 and 11. Permission to serve respondent no. 9 by effecting service on the Central Government Advocate, Aayakar Bhavan, New Marine Lines, Mumbai. Let

affidavit of service be placed on record by serving these respondent by all permissible modes.

8. Reply affidavit to the petition be placed on record before the returnable date.

9. Stand over **24 March, 2025 (H.O.B.)**

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)