



WP(MD)No.17495 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17495 of 2023

Maheswari

... Petitioner

Vs

1.The Post Master General,
South Region,
Madurai - 625 002.

2.The Senior Post Master,
Head Post Office,
Madurai - 625 001.

3.The Special Thasildar,
Tamil Nadu Arasu Cable TV Corporation Limited (TACTV),
Ellis Nagar,
Madurai - 625 010.

4.The Superintendent of Police,
Madurai District,
Madurai - 625 007.

5.P.Rasukutty.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned registration Certificate No. TN/MA/CB TV/1135 of the fifth respondent exclusively for the area of PERIYAKOODAKOVIL for the period of 01.08.2022 to 31.07.2023 issued by the second respondent and to quash the same and consequently restraining the second respondent from issuing the renewal registration Certificate for Registration Certificate No. TN/MA/CB TV/1135 of the fifth respondent for a further period from 01.08.2023.

For Petitioner	: P.Natarajan
For R3	: Ms.Annie Abinaya Standing Counsel
For R4	: Mr.Kottaichamy Government Advocate

ORDER

The petitioner is a woman entrepreneur, a registered Cable TV Operator running the business under the name and style of 'Tiraviyam Bala Cable TV', at Parapathy Gram Panchayath inclusive of Periyakoodakovil. The second respondent has issued a license to the



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fifth respondent for the same area of Periyakoodakovil for the period of from 01.08.2022 to 31.07.2023. The petitioner has filed this writ petition as against the license issued in favour of the fifth respondent by the second respondent.

2.The learned counsel appearing for the petitioner submits that the fifth respondent is not a TV operator for that area and therefore he did not have any control Room for doing the Local Cable operator business, which is one of the mandatory pre-requisites for getting the Registration Certificate for LOC under Section 4 of the Act and also without proper site inspection.

3.He further submits that the fifth respondent does not have any equipment / device or devices or experience in the field of CableTV operation including the digital addressable system to transmit or re-transmit channels in an encrypted form to the viewers. The respondents



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1 & 2 considering the applications of the fifth respondent, failed to follow the provisions under Section 4, 4-A of the Cable Television Networks Rules 1994 as the fifth respondent failed to fulfill the eligibility criteria and conditions prescribed for the cable operator. Further the fifth respondent had not installed 'addressable System' to transmit or re-transmit programs of any channel in an encrypted form through a digital addressable system, which is obligatory as contemplated under Section 4-A of the Act.

4.The learned Standing counsel, who takes notice for the third respondent submits that the license has been issued to the fifth respondent as per the Cable Television Networks (Regulation) Act and Rules, considering his eligibility.

5.This Court considered the rival submissions and perused the materials placed on record.



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6. Any person, who is desirous of operating cable television network may apply for registration as cable operator before the Registration Authority as contemplated under Section 4 of the Cable Television Networks (Regulation) Act 1995 and he should be a citizen of India and not less than 18 years of age, he shall not be an un-discharged insolvent, shall not be a person of unsound mind as declared by the competent Court and he shall not be convicted of any criminal offence. The application if any submitted in the prescribed Form-I, with fee of Rs.500/- along with requisite documents needs to be considered by the Registering Authority as per Section 4 of the Cable Television Networks (Regulation) Act, 1995. If the applicant does not fulfil eligibility criteria and if not accompanied with necessary documents or fee, the Registering Authority shall refuse to register the application. No doubt from 25.10.2011 all the transmissions have to be made only through digital addressable system and all the MSOs are transmitting their programmes only through digital addressable system. Therefore, the petitioner's apprehension that the petitioner is not having sufficient facility for transmission of programmes through digital addressable system is misconceived and on this ground alone this Court



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cannot not interfere with the certificate issued by 2nd respondent to the 5th respondent.

7.In view of the above, this writ petition is dismissed. No costs.

26.07.2023

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

vrn / dsk

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vrn

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