

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15744 of 2015
and M.P.No.1 of 2015

M.Paneerselvam

... Petitioner

Vs.

1. The Commissioner of Police
(Authorised Officer under Cable Television
Networks (Regulation) Act, 1995),
O/o.The Commissioner of Police,
Veppery, Chennai - 600 007,
2. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited (TACTV),
Dugar Towers, 24 (123), 6th Floor,
Marshalls Road,
Egmore, Chennai - 600 008,
3. The Inspector of Police,
H5 New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081,
4. L.R.Seenivasan,
5. Neelakandan,
6. Sekar,
7. Varathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st respondent to dispose of petitioner's complaint dated 06.04.2015 by virtue of the Order passed by this Court in W.P.No.6032 of 2015 dated 05.03.2015 to take action as against the respondents 2, 4 to 7 for their illegal acts of cutting his cable TV signal sources by force and inserted illegal signals of TACTV and instructed the subscribers to pay the subscription charges to them based upon the petitioner's complaint dated 06.04.2015 and allow him to do his cable TV operator business peacefully at V.O.C.Nagar, Tondiarpet, Chennai - 600 081.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.V.Subbiah, Spl.G.P. for RR.1 to 3

ORDER

By consent of the learned counsel appearing on either side, the writ petition itself is taken up for disposal.

2. The petitioner claims to be a private cable operator in terms of Cable Television Network (Regulation) Act, 1995 and he states that he is running cable T.V. operator business at V.O.C.Nagar, Tondiarpet for the past twenty years and periodically renewing licensee and carrying on business in the name and style of Freedom Cables'' and he is telecasting the signals under the KAI Cables Private Limited.

3. The grievance expressed by the petitioner is that respondents No.4 to 7, who are telecasting the signals of 2nd respondent, are interfering with the business activities of the petitioner by cutting the Cable Television network signals by force and also inserted illegal signals of the 2nd respondent. In this regard, he has submitted a representation dated 6.4.2015 to the 1st respondent. Since the petitioner has not been favoured with any kind of response inspite of the earlier order dated 5.3.2015 in W.P.No.6032 of 2015, he has come forward to file this writ petition.

4. Heard the submission of Mr.S.Kumara Devan, learned counsel for petitioner, who has drawn the attention of this Court to the provisions of Cable Television Network (Regulation) Act, 1995 (in short, ''the Act''). In terms of Section 11 of the Act, the 1st respondent - Commissioner of the Police of Chennai city is the authorised Officer and he is duty bound to dispose of the petitioner's complaint/representation. Since the said Officer has failed to take any action, it has forced the writ petitioner to approach this Court by filing writ petition.

5. Per contra, Mr.V.Subbiah, Special Government Pleader, who accepts notice for respondents No.1 to 3, submitted that the petition/complaint given by the petitioner to the 1st respondent was duly forwarded to the 3rd respondent. After obtaining statement of the petitioner as well as recording the statement of respondents No.4 to 7, the 3rd respondent has sent a report to the 1st respondent and appropriate direction may be given to the 1st respondent to dispose of the petitioner's representation in the light of the report submitted by the 3rd respondent.

6. This Court, in the light of the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to take into consideration the report submitted by the 3rd respondent and pass orders in accordance with law within a period of four weeks from the date of receipt of copy of this order and the 1st respondent shall also

communicate the decision taken to the petitioner.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

usk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Police
(Authorised Officer under Cable Television
Networks (Regulation) Act, 1995),
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Marshall's Road,
Egmore, Chennai - 600 008,
3. The Inspector of Police,
H5 New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081,

+1cc to M/S S.Kumaradevan Advocate Sr.29464
+1cc to Government Pleader Sr.29539

W.P.No.15744 of 2015

KV (CO)
RVR 01/07/2015

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