

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6789/2015 & MP.Nos.1&2/2015

Smt.R.Geetha

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Petitioner

Versus

1. The Chief Post Master General
Union of India, Department of
Post, Government of India,
Anna Salai, Chennai 600 002.
2. The Senior Post Master
Department of Post
T.Nagar Head Post Office
T.Nagar, Chennai 600 017.
3. Smt.Kanchana
4. The Commissioner of Police
Chennai City, Vepery
Chennai 600 007.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to cancel the registration certificate bearing No.318 dated 30.03.2013 issued in favour of the 3rd respondent for running Cable TV network @ 438, Sundandira Nagar, Moors Road, Thousand Lights, Chennai 600 006 and consequently, direct the 1st respondent to hold an enquiry as against the 2nd respondent for issuing registration Certificate for a continuous period of 120 months from 17.07.2005 to 16.07.2015 contrary to Rule 3 of the Cable Television Network Rules, 1994.

For Petitioner : M/s.K.Kumudha

For RR 1 and 2 : Mr.Su.Srinivasan,
Assistant Solicitor General

For R4 : Mr.R.Vijayakumar, AGP

ORDER

Heard M/s.K.Kumudha, learned counsel appearing for the petitioner ; and Mr.Su.Srinivasan, learned Assistant Solicitor General accepting notice for the respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the 4th respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the 3rd respondent is dispensed with and the merits of the allegation made by the petitioner as against the 3rd respondent is not gone into and it is left open to the 1st respondent to consider the same in accordance with law.

3.The petitioner seeks for a direction to the respondents 1 and 2 to cancel the Registration Certificate issued in favour of the 3rd respondent for running Cable TV Network.

4.Learned counsel for the petitioner referred to Rule 3 of the Cable Television Network Rules, 1994 and submitted that in terms of sub-section [1] to section [3], every application for registration as Cable Television network in India shall be made in writing in Form 1, shall be renewable after every 12 months. The petitioner is aggrieved by the action initiated by the 2nd respondent in renewing the license of the 3rd respondent for 120 months with retrospective effect from 2005 till 2015, i.e., from 17.07.2005 to 16.07.2015. This according to the petitioner is wholly illegal and without jurisdiction. In this regard, a representation was given to the authorities and since the same has not been considered, the petitioner is before this Court.

5.Learned Assistant Solicitor General appearing for the respondents 1 and 2 submitted that the 1st respondent may be directed to consider the petitioner's representation after notice to the petitioner and the 3rd respondent and the matter may be directed to be dealt with in accordance with law.

6.Considering the above submissions and taking into consideration the contention raised by the petitioner, there will be a direction to the 1st respondent to consider the petitioner's representation dated 10.02.2014 after issuing notice to the petitioner as well as to the 3rd respondent and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

AP

s/d-
Assistant Registrar(R)
Dt:18/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Chief Post Master General
Union of India, Department of
Post, Government of India,
Anna Salai, Chennai 600 002.
2. The Senior Post Master
Department of Post
T.Nagar Head Post Office
T.Nagar, Chennai 600 017.
3. The Commissioner of Police
Chennai City, Vepery
Chennai 600 007.

+ 1 cc to Govt.Pleader SR 13913

+ 1 cc to Mr.Su.Srinivasan, Advocate SR 13713

+ 1 cc to M/s.K.Kumudha, Advocate SR 13696

vsn(co)
prk20/3

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