

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 41710 of 2015

Date: 23.12.2015

Between:

M/s. Sri Sai Star TV Services,
Bhadrachalam,
Rep. by its Sole Proprietor.

.... Petitioner

And

State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 41710 of 2015

ORDER:

The prayer of the petitioner in this writ petition is as follows:

“ be pleased to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents in not discharging their statutory functions conferred under Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994 and the Amended Cable Television Networks, Rules, 2006 and the Cable Television Networks (Amendment) Rules, 2012 by taking action against the 4th unofficial respondent for providing cable television network service without obtaining any permission as required under Rule 11 of the Cable Television Network Rules, 2006 and without entering into interconnect agreements between Multi System Operators/ Local Cable Operators and without obtaining permission for providing Cable Television Network service in the local notified area of Bhadrachalam where the petitioner providing Cable Television Network service in spite of filing representations dated 14-10-2015 and 26-10-2015 is illegal, arbitrary and in violation of Article 19 of the Constitution of India and contrary to the provisions of the Cable Television Networks (Regulation) Act, 1995 and the Rules made thereunder from time to time and consequently direct the official respondents to take action as per the provisions of the Enactment and the Rules made thereunder by restraining the 4th respondent providing Cable Television Network services in the local area of Bhadrachalam in which the petitioner operating cable television network”

Admittedly the petitioner's representations dated 14.10.2015 and 26.10.2015, wherein its grievance as to the alleged irregularities being

committed by the fourth respondent, are pending before the authorized officers under the Cable Television Networks Regulations Act, 1955, respondents 2 and 3.

In that view of the matter, this Court sees no purpose in entertaining this writ petition as it is for the authorities concerned to apply their mind and take a decision in the matter in the first instance. As this Court does not propose to enter into the merits of the matter, there is no necessity to put the fourth respondent on notice before disposal.

The Writ Petition is accordingly disposed of directing respondents 2 and 3 to consider the petitioner's representations dated 14.10.2015 and 26.10.2015 in accordance with law and take appropriate action thereafter. Respondents 2 and 3 shall give an opportunity of hearing to the petitioner as well as the affected party, the fourth respondent, before taking any action pursuant to this order. This exercise shall be completed expeditiously and in any event not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 23.12.2015

Note: Issue CC in two days

B/o.

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