

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17160 OF 2016

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Home and Sri Nimmagadda Venkateswalu, learned Standing Counsel for respondent No.20. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

Since this Court is not going into the merits of the case, issuing notice to respondent No.19 may not be necessary.

2 . The present writ petition came to be filed with the following prayer:

“to issue a writ, order or direction, more particularly one in the nature of writ of *mandamus* declaring that respondents 2 to 18 cannot register any FIR/crimes against the petitioner and its authorised agents at the places of cable operators of the petitioner, on the basis of any complaint that they may make complaining that the petitioner or its authorised agents are transmitting pay channels of various broadcasters, complaining offences under Sections 420 IPC or Sections 51 or 63 of the Indian Copyright Act, 1957, without following due procedure of law and issue a consequential direction, directing the respondents not to interfere with the rights of the petitioner and of its authorised agents at the places of respondents 19 and 20 in any manner whatsoever for transmitting of pay channels in accordance with law after due permissions therefore either as MSOs or a distributor in the area of respondents 19 and 20 in which they have permission.”

3. Learned counsel for the petitioner mainly submits that the respondents are harassing the petitioner by taking away all the cable material including electronic equipment without any authority.

4. Learned Government Pleader for Home disputes the same and placed on record the counter affidavit filed by the Sub-Divisional Police Officer, Amalapuram, stating that the petitioner has no licence or permission to run the cable network. It is further stated that number of cases were registered for violating the procedures of the Act and the Rules made thereunder. It is further stated that on 04.06.2016 the investigating officer seized 20,000 metres cable from the Amalapuram Town area in the presence of mediators as the petitioner was carrying out illegal operations and the matter is under investigation. Having regard to the same, the learned Government Pleader submits that the averments in the affidavit filed in support of the writ petition are all false and invented for the purpose of this case.

5. Learned Standing Counsel for Municipalities submits that the petitioner has no permission or authority to run the cable network and as such, the respondents are forced to take action against the petitioner.

6. Having regard to the circumstances stated above and without going into the merits of the case, the Writ Petition is disposed of directing the respondents-police to follow the procedure established by law before taking any coercive steps against the petitioner. If the petitioner violates any of the provisions of the Act or the Rules made thereunder, the respondents are at liberty to take action, but the said action shall be in accordance with law.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:16.06.2016

Note: Furnish C.C. by 20.06.2016

(B/O)

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