

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH,
and
The Honourable Dr.Justice S.VIMALA

W.A.NOs.1361 & 1363 OF 2015
and M.P.No.1 of 2015

Thamizhaga Cable TV Communication Pvt.Ltd.,
rep. by its Authorized Representative,
9A/5, Club Road, Chetpet,
Chennai-600 031. ... Appellant in
both the appeals

versus

1. Tamil Nadu Arasu Cable TV Corporation Ltd.,
Rep. by its General Manager,
34/123, Dugar Towers 6th Marshalls Road,
Egmore Chennai-8.
- 2 The Ministry of Information
and Broadcasting Rep. by its Secretary
Room No.655 5th Floor A Wing
Shastri Bhawan Dr.Rajendra Prasad Road
New Delhi- 110001.
- 3 Star India Pvt Ltd
Represented by its Authorised Representative
Star House Urmi Estate 95 Ganpatrao
Kadam Marg Lower Parel (West)
Mumbai- 400013. ... Respondents in
both the Writ Appeals

For Appellants : Mr.P.Wilson, SC for
M/s.P.Wilson Associates

For Respondents : Mr.Abdul Saleem for R1
Mr.Su.Srinivasan,
Asst.Solicitor General for R2
Mr.B.N.Suchindran for R3

Prayer: Writ Appeals are filed under Clause 15 of the
Letters Patent, against the order of the learned single Judge
dated 28.8.2015 in M.P.Nos.1 and 2 respectively in W.P.No.26982

of 2015.

MP.No.1 of 2015

(i) To pass on order of Interim injunction, restraining 1st respondent or any authority claiming under it from interfering with the transmission of cable TV Signal, by the petitioner corporation in the state of Tamil Nadu.

Mp.No.2 of 2015

(ii) To stay all further proceedings in petition No.481(c) of 2014 pending on the file of the Telecom Disputes Settlement and Appellate Tribunal, New Delhi (in Mp 2 of 2015)

WP 26982 of 2015

Petition filed under Article 226 of the Constitution of India. Praying to (iii) issue a order or direction more particularly in the notice of Writ of Prohibition, Prohibiting the continuance of proceedings in Petition No.481(c) of 2014 before the Telecom Disputes Settlement and Appellate Tribunal as the issue of petitioner operation is sub judice in W.P.34213/2013, 29651/2012 and batch of cases before the Court.

COMMON JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

These Writ Appeals have been directed against the order of the learned Judge dated 28.8.2015 in M.P.Nos.1 and 2 of 2015 in W.P.No.26982 of 2015, granting interim injunction and interim stay as prayed for.

2. The first respondent herein, has filed the above said Writ Petition, seeking for the issuance of Writ of Prohibition, to prohibit the continuance of proceedings in Petition No.481 (c) of 2014 before the Telecom Disputes Settlement and Appellate Tribunal as the issue of the petitioner's operation is sub judice in W.P.No.34213 of 2013, 29651 of 2012 and batch of cases before this Court. Pending disposal of the Writ Petition, the first respondent also moved M.P.Nos.1 and 2 of 2015, seeking interim stay of the above said proceedings before the Tribunal and also interim injunction to restrain the second respondent claiming under it from interfering with the transmission of cable TV signals by the petitioner Corporation in the State of Tamil Nadu.

3. By order, dated 28.8.2015, the learned Judge, having heard the learned Advocate General appearing for the writ petitioner and considering the submission that the proceedings were initiated without authority of law and notwithstanding the pendency of the earlier writ petitions with interim orders, granted interim stay and interim injunction as prayed for. Aggrieved by the same, the appellant herein has come forward with the present Writ Appeals, seeking to vacate the interim orders.

4. Heard the learned senior counsel appearing for the appellant and the learned counsel appearing for respondent Nos.1 and 3 and learned Asst.Solicitor General of India for respondent No.2.

5. On behalf of the appellant, apart from other contentions, it is vehemently contended that the Writ Petition filed by the first respondent herein, is not maintainable against the proceedings of the Telecom Disputes and Settlement Appellate Tribunal, New Delhi and this Court is not having territorial jurisdiction and only the High Court of Delhi alone is the competent to entertain the Writ Petition.

6. The learned counsel for the respondents would vehemently contend that after taking note of the fact that the subject matter has been sub judice before this Court in earlier writ petitions and also interim orders passed therein, the learned Judge has rightly passed the interim orders and such interim orders if vacated at this stage, there would have considerable impact on the matters pending before the learned Judge and other connected matters and the parties would be seriously prejudiced.

7. In view of the above, without going into the merits of the matter, we are not inclined to interfere with the interim orders passed by the learned Judge, however, taking note of the subject matter involved in the writ petitions and the urgency expressed by the parties, we request the learned Judge to dispose of the matter within a period of one month from the date of receipt of a copy of this order, after affording an opportunity to the parties. The appellant is permitted to raise all the contentions which were raised before us including the territorial jurisdiction of this Court vis a vis maintainability of the Writ Petition.

With the above observation, these Writ Appeals are disposed of. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Ministry of Information and Broadcasting
Room No.655 5th Floor A Wing
Shastri Bhawan Dr.Rajendra Prasad Road
New Delhi- 110001.
2. The Telecom Dispute Settlement
and Appellate Tribunal,
New Delhi.
3. The Section Officer,
Writ Section, High Court, Madras

+1cc to M/s.P.Wilson Associates, Advocate, S.R.No.21884
+1cc to Mr.B.N.Suchindran, Advocate, S.R.No.21877

सत्यमेव जयते

W.A.NOs.1361 & 1362 of 2015

MP (CO)
CS/28/06/17

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