



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.07.2017

CORAM :
THE HONOURABLE JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P(MD) No.11603 of 2017
and
W.M.P(MD)No.8963 of 2017

A.Aathosooraprakash ... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers,
34/123, 6th Floor,
Marshalls Road,
Egmore, Chennai - 600 008.
- 2.The District Collector,
Sivagangai,
Sivagangai District- 600 008.
- 3.The Superintendant of Police,
District Police Office,
Sivagangai District - 630 561.
- 4.The Deputy Superintendant of Police,
Manamadurai - 630 606,
Sivagangai District.
- 5.The Special Tahsildhar,
Tamil Nadu Arasu Cable TV Corporation,
District Collector Office Campus,
Sivagangai District- 630 561.
- 6.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam - 630 611,
Sivagangai District.
- 7.The Sub-Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam - 630 611,
Sivagangai District.
- 8.The Revenue Inspector,
Sivagangai District - 630 561.



9.The Tahsildhar,
Thiruppuvanam,
Thiruppuvanam Taluk,
Sivagangai District.

10.The Village Administrative Officer,
Thiruppuvanam,
Sivagangai District.

11.The Chairperson,
TRAI,
Mahanagar Door Shanchar Bhawan,
Jawaharlal Nehru Marg,
Old Minto Road,
Near Dr.Zakir Hussain College,
New Delhi - 110 002.

12.The Secretary,
The Ministry of Information and Broadcasting,
No.116, A Wing, Shasthri Bawan,
New Delhi - 110 001.

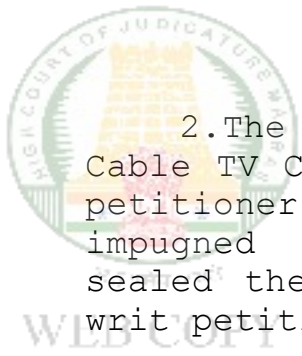
13.Senthil Kumar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order, dated 27.05.2017 passed by the respondents 8 and 10 by quashing the same with a direction to unlock and remove the seal from the control room of the Petitioner.

For Petitioner	: Ms.A.Hafiza
For R1 and R5	: Mr.S.Gunasekaran
For R2 to R4 & R6 to R10	: Mr.G.Muthukannan, Government Advocate
For R11 and R12	: Mr.S.Jeyasingh
For 13 Respondent	: No appearance

O R D E R

This writ petition has been filed seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order, dated 27.05.2017 passed by the respondents 8 and 10 and quash the same with a direction to unlock and remove the seal from the control room of the Petitioner.



2.The case of the petitioner is that the Tamil Nadu Arasu Cable TV Corporation did not provide any service or signal to the petitioner till date, however, the respondents 8 and 10 passed the impugned order, dated 27.05.2017, consequent to which, they sealed the petitioner's control room on 27.05.2017. Hence, this writ petition is filed.

3.Ms.A.Hafiza, learned Counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by the order passed by this Court in W.P(MD)Nos.17940 and 19191 of 2015, dated 01.01.2016 and prays for passing similar orders.

4.Mr.S.Gunasekaran, learned Standing Counsel appearing for the respondents 1 and 6 would strongly oppose the prayer sought for in the writ petition, contending that since the petitioner and others have been running the Cable TV business without any valid permission and without obtaining the signal from the Tamil Nadu Arasu Cable TV Corporation, the second respondent vide his proceedings dated 02.05.2017, directed the authorities concerned to seal the said unlicensed control room and accordingly, the impugned order came to be passed and the control room of the petitioner has been locked and sealed by the authorities concerned.

5.Heard the learned Counsel for the parties and perused the materials available on record.

6.In similar circumstances, this Court, by order, dated 06.01.2016 in W.P(MD)Nos.17940 and 19191 of 2015 has held as follows:-

"20.Therefore, we find that the impugned order, dated 28.09.2015 passed by the District Collector is wholly without jurisdiction and completely arbitrary. As a matter of fact, we have found in our order, dated 05.01.2016 passed in W.A (MD)No.1340 of 2015 and batch, that the Post Master himself had acted in an arbitrary and malicious manner. Therefore, we are of the view that the order dated 28.09.2015 of the District Collector should be set aside. Hence, W.P.(MD) No.17940 of 2015 is allowed and the order, dated 28.09.2015 passed by the District Collector is set aside.

"21.As a consequence, the order of the second respondent in W.P(MD)No.19191 of 2015, dated 08.10.2015, is also set aside. The District Collector and the Special Tahsildar cum Deputy Manager, Tamil Nadu Arasu Cable Television Corporation Limited are directed to forthwith the seal from the premises of the petitioner and hand over the seized equipments in the same condition in which they were seized. The



District Administration will be held responsible for any damage that had been caused to the equipments and we give liberty to the petitioner to work out his remedies if any damage is found."

7. Considering the submissions made on either side and the facts and circumstances of the case and also keeping in mind the earlier order passed by this court in similar matter, the impugned order, dated 27.05.2017 passed by the respondents 8 and 10 is liable to be set aside.

8. In the result, this writ petition is allowed and the impugned order, dated 27.05.2017 is set aside. The District Collector and the Special Tahsildar-cum-Deputy Manager, Tamil Nadu Arasu Cable Television Corporation Limited, Sivagangai District are directed to remove the seal from the premises of the petitioner and hand over the seized equipments to him forthwith. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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The Ministry of Information and Broadcasting,
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New Delhi - 110 001.

+1cc to M/S.Special Government Pleader,SR. 67301

+1cc to Mr.A.HAFIZA,Advocate,SR.67242

+1cc to Mr.S.GUNASEKARAN,Advocate,SR.67144

+1cc to Mr.S.JAYASINGH,Advocate,SR.67051

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rsb

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