



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2017

CORAM :

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THE HONOURABLE JUSTICE K.KALYANASUNDARAM

W.P (MD) No.12501 of 2017

N.Mohammed Marakkayar

... 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,
Collectorate Office,
Pudukottai - 622 205.

3.The District Revenue Officer,
Collector Office Building,
Pudukottai - 622 205.

4.The Revenue Divisional Officer,
Aranthangi Taluk,
Pudukottai District.

5.The Tahsildhar,
Avudaiyar Koil Taluk,
Pudukottai District - 622 001.

6.The Special Thasildhar,
Tamil Nadu Arasu Cable TV Corporation,
Collector Office Campus,
Pudukottai - 622 205.
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue of a Writ of Mandamus, to direct the respondents to unlock and remove the seal from the control room of the petitioner.

For Petitioner : Ms.A.Hafiza

<https://hcservices.ecourts.gov.in/hcservices> For Respondents : Mr.S.Gunasekaran for R.1 & R.6

Mr.G.Muthukannan,
Government Advocate for R.2 to R.5

O R D E R

This writ petition has been filed seeking a Writ of Mandamus directing the respondents to unlock and remove the seal from the control room of the petitioner.

2.The case of the petitioner is that he got enrolled with the Tamil Nadu Arasu Cable TV Corporation and his LCO Number is 48121. Though the petitioner paid a sum of Rs.2,97,000/- (Rupees Two Lakhs and Ninety Seven Thousand only) to the Tamil Nadu Arasu Cable TV Corporation, they did not provide any service or signal to the petitioner till date, however, the sixth respondent issued a notice dated 07.04.2017 demanding the petitioner to pay the subscription amounts. Meantime, the sixth respondent along with the fourth respondent and other technicians, trespassed into the petitioner's control room on 21.06.2017 and cut the signals and sealed the locks of his control room. Hence, this writ petition is filed.

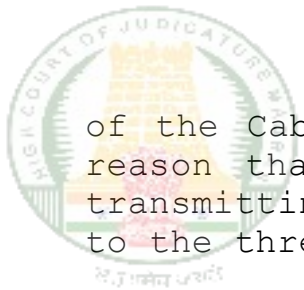
3.Ms.A.Hafiza, learned Counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by the order passed by this Court in W.P(MD)Nos.17940 and 19191 of 2015, dated 01.01.2016 and prays for passing similar orders.

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 the petitioner and ten others have created their own control for telecasting the pay channels through the unlawful mode in Pudukottai District and after conducting the inspection by the sixth respondent along with technical assistant, the petitioner was found running control room consisting DTH with the help of the modulator illegally observing the pay channels and provided to three local cable operators and subscribers.

5.He would further contend that the petitioner is the licensee (LCO) and registered with Tamilnadu Arasu Cable TV and he has to pay Corporation dues, but the petitioner did not pay the dues and the arrear amount payable to the Corporation is Rs.5,65,472/- till June 2017. Without surrendering the registration of LCO and paying the arrears amount, the petitioner is running a separate control room by DTH which is transmitting the signals through illegal mode and provided the pay signal to three local cable operators and customers and thereby, the petitioner made huge loss to the Tamilnadu Arasu Cable TV Corporation Limited. Hence, the sixth respondent issued a show cause notice to the petitioner dated 07.04.2017, for non-payment of the subscription amounts.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Further, it is contended by the learned Counsel for the respondents 1 and 6 that the petitioner has violated the Rule 2(i)



of the Cable Television Networks (Regulation) Act, 1995, for the reason that the petitioner created a separate control room and transmitting the corporation pay signal received from DTH antennae to the three local cable operators and subscribers.

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

8. 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:-

"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 remove 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."

9. 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 writ petition is liable to be allowed.

10. In the result, this writ petition is allowed with a direction to the District Collector, Pudukottai and the Special Thasildhar, Tamil Nadu Arasu Cable TV Corporation, Pudukottai, to remove the seal from the premises of the petitioner and hand over the seized equipments to the petitioner forthwith. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
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34/123, 6th Floor,
Mannar Road,
Egmore, Chennai - 600 008.



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Pudukottai - 622 205.

+1cc to M/S.A.Hafiza, Advocate SR.No. 67244
+1cc to M/S.S.Gunasekaran, Advocate SR.No. 67142
+1cc to Special Government Pleader, SR.No. 67311

W.P. (MD) No.12501 of 2017
21.07.2017

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