

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.14111 of 2017**

V.Kakaliappan
S/o.M.Velsamy
Sri Murugan Cable TV Network (LCO No. 10495)
14/738, Vivekanandar Nagar,
Pavoorchathiram,
Tenkasi Taluk, Tirunelveli District - 627808. ... Petitioner

Vs.

1. The District Collector
Tirunelveli District,
Tirunelveli.
2. The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Dukar Tower,
Marsal Salai,
Chennai-08
3. The Superintendent of Police
District Superintendent Office
Palayamkottai,
Tirunelveli.
4. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Tirunelveli District.
- 5.Selvan
- 6.Murugan ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to take action as per the cable TV Regulation Act on the 5th and 6th respondents for providing cable Signal using DTH illegally based on the petitioner's representation dated 17.01.2017 and 26.01.2017.



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For Petitioner

: Mr.B.Prasanna Vinoth

For R.1 & R.3

: Mr.G.Muthukannan,
Government Advocate.

For R.2 & R.4

: Mr.S.Gunasekaran
Government Advocate.

O R D E R

This writ petition has been filed, seeking a Writ of Mandamus to direct the respondents 1 to 4 to take action as per the cable TV Regulation Act on the 5th and 6th respondents for providing cable Signal using DTH illegally, based on the petitioner's representations dated 17.01.2017 and 26.01.2017.

2. Mr.G.Muthukannan, learned Government Advocate, takes notice for the respondents 1 and 3. Mr.S.Gunasekaran, learned Government Advocate, takes notice for the respondents 2 and 4. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The Petitioner is a Private Cable TV operator since 1995. The grievance of the petitioner is that he has been taking signal from the 2nd respondent and the respondents 5 and 6 started cable TV operation in the petitioner's area, using DTH illegally. It is the further grievance of the petitioner that the petitioner's optic fiber wires are being cut by the respondents 5 & 6 and they have been tampering with the customers of the petitioner so as to cause disturbance to his cable TV operations. Hence, he made several representations to the respondents, the last two of which, were dated 17.01.2017 and 26.01.2017 and since the same were not considered by any of the respondents, the petitioner is before this Court.

4. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representations of the petitioner dated 17.01.2017 and 26.01.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the respondents 5 and 6, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(Writs)



To:

1. The District Collector
Tirunelveli District,
Tirunelveli.
2. The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Dukar Tower,
Marsal Salai,
Chennai-08
3. The Superintendent of Police
District Superintendent Office
Palayamkottai,
Tirunelveli.
4. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Tirunelveli District.

+1 cc to Mr.B.Prasanna Vinoth , Advocate in SR.No. 68521

+1 cc to Mr.S.Gunasekaran , Advocate in SR.No. 68456

+1 cc to The Special Government Pleader in SR.No.69308

rm/rsb

AE/SKN RSK/SAR3/04.08.2017/3P/8C

W.P (MD) No.14111 of 2017
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