

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

DATED: 12.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.18336 of 2017
and
W.M.P.No.14790 of 2017

R.Senthilkumar
S/o.ramasamy
Jishnu Cable,
Sabarimahall,
174/118 Mela Agraharam,
Krishnarayapuram,
Krishnarayapuram Post & Taluk,
Karur District - 639 102.

... Petitioner

Vs.

1. The Secretary,
The Hon'ble Minister for Information and Broadcasting
Government of India,
2, Krishna Menon Marg,
New Delhi - 110 001.
2. The District Collector / Nodal Officer,
Cable TV,
Ramanathapuram District,
Ramanathapuram.
3. The Managing Director,
Arasu Cable TV Corporation Limited,
No.34 /123, 6th Floor,
Durga Tower, Marsal Salai,
Chennai - 600 008.
4. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Karur, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus forbearing the respondents 3 and 4 from interfering in day today activities of petitioner's Cable Network namely, Jishnu Cable having control room at Sabarimahall, 174/118, Mela Agraharam, Krishnarayapuram, Krishnarayapuram Post & Taluk, Karur District - 639 102 from implementing Digital Addressable System to their local cable TV



WEB COPY

operators as per the interconnection agreement dated 19.09.2017 based on the petitioner's representation dated 21.09.2017.

For Petitioner	: Mr.B.Prasanna Vinoth
For R.1	: Mr.K.Ashok Kumaran
For R.2	: Mr.M.Alagathevan, Special Government Pleader
For R.3 & R.4	: Mr.S.Gunasekaran

ORDER

This writ petition has been filed seeking a Writ of Mandamus, forbearing the respondents 3 and 4 from interfering in day today activities of petitioner's Cable Network namely, Jishnu Cable having control room at Sabarimahall, 174/118, Mela Agraharam, Krishnarayapuram Krishnarayapuram Post & Taluk, Karur District - 639 102 from implementing Digital Addressable System to their local cable TV operators as per the interconnection agreement dated 19.09.2017 based on the petitioner's representation dated 21.09.2017.

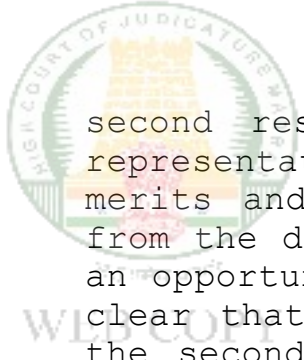
2. Heard the learned Counsel appearing on either side.

3. The case of the petitioner is that he, though had entered into an agreement with the Arasu Cable TV to get signal and to transmit the same to his customers, was not provided with proper signal by the respondents 3 and 4 and therefore, he was constrained to obtain signal from a DAS Licence holder so as to provide signals to his customers. Subsequently, the fourth respondent visited his control room and threatened to seal the same. Hence the petitioner made a representation dated 21.09.2017 to the second respondent seeking for his intervention in the matter. Annoyed by the same, the fourth respondent has taken hasty steps to seal his premises, which constrained the petitioner to file the present writ petition for the relief as stated supra.

4. Though the petitioner has sought for a larger relief as above, the learned Counsel for the petitioner would submit that it would suffice, if the representation dated 21.09.2017 submitted by the petitioner may be directed to be considered by the second respondent in a time bound manner.

5. The learned Counsel appearing for the respondents would, on instructions, submit that the second respondent is prepared to consider the representation of the petitioner as per law in a time bound manner.

6. In view of the above submission and considering the <https://hcservices.hcresults.gov.in/hcservices/> the prayer sought for in this writ petition, this Court, without going into the merits of the matter, directs the



second respondent/Collector to pass appropriate orders on the representation submitted by the petitioner dated 21.09.2017, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. However, it is made clear that till taking a decision on the said representation by the second respondent/Collector, the fourth respondent shall not cause any disturbance / hindrance to the petitioner. It is also made clear that in the event of any violation / malpractice found out, it is left to the discretion of the competent authority to take appropriate action as per law.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

1. The Secretary,
The Hon'ble Minister for Information and Broadcasting
Government of India,
2, Krishna Menon Marg,
New Delhi - 110 001.
2. The District Collector / Nodal Officer,
Cable TV,
Ramanathapuram District,
Ramanathapuram.
3. The Managing Director,
Arasu Cable TV Corporation Limited,
No.34 /123, 6th Floor,
Durga Tower, Marsal Salai,
Chennai - 600 008.
4. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Karur, Karur District.

+1cc to M/S.S.GUNASEKARAN, Advocate SR.No.82770.

+1cc to M/S.K.ASOK KUMAR RAM, Advocate SR.No.82487.

W.P. (MD) No.18336 of 2017
12.10.2017