



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.11.2017
CORAM
THE HONOURABLE **MR. JUSTICE R. MAHADEVAN**

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W.P. (MD) .No.20571 of 2017
and
W.M.P. (MD) No.16860 of 2017

1.D.S.Syed Hussain

2.R.Sankar

3.K.Nagarajan

4.N.Suresh

5.N.Sithik Batcha

6.D.S.Syed Ibrahim

...Petitioners

Vs.

1. The Secretary,
Government of India,
Ministry of Information and Broadcasting,
'A' Wing Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2. M/s. Tamil Nadu Arasu Cable TV Corporation Limited,
Represented by General Manager,
"Dugar Towers", 6th Floor,
Old No.34, New No.123,
Marshall's Road,
Egmore, Chennai - 600 008.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to forbear the 2nd respondent from allotting new Local Cable TV Operator in existing Local Cable TV Operator area and allow the petitioners to provide Digital Addressable System Signal to their intending customers and also direct the 1st respondent to take action on the 2nd respondent and its erring officials for disturbing of implementation of Digital Addressable System.

For Petitioners :Mr.B.Prasanna Vinoth

For Respondents :Mr.S.Jeyasingh for R.1
Mr.S.Gunasekaran for R.2

**O R D E R**

This petition is filed, seeking a writ of mandamus, forbearing the second respondent from allotting afresh any Local Cable TV Operator in the existing area and allow the petitioners herein to provide Digital Addressable System Signal to their intending customers.

2. The petitioners, being private Cable TV Operators, are before this Court, contending that the second respondent corporation, which was introduced in the year 2011, is forcing all the LCOs and MSOs to register with them, failing which, they are threatening to seal the premises. In the meanwhile, the Central Government has introduced a scheme called Digital Addressable System (DAS), fixing an outer time limit and the second respondent has not obtained the said DAS licence so far. While that being so, in order to provide digital signals to their intending customers, the petitioners had tied up with private MSOs and started providing DAS signals to their customers. Whereas, all of a sudden, the second respondent corporation started allotting new LCOs to the areas which were already covered by existing LCOs, viz., the petitioners herein. This action of the second respondent corporation is nothing but violation of its own undertaking before this Court, in several writ petitions and aggrieved by the same, the present petition came to be filed for the aforesaid relief.

3. Though the learned Counsel for the petitioners has raised several grounds in this petition, the main point urged by the petitioners is that the second respondent has proposed to appoint new LCOs in the area which was allotted to the petitioners, thereby intending to transfer the customers of the petitioners to the newly appointed LCOs, without getting consent from them and without issuing any notice to them. This act of the second respondent corporation is highly unjustifiable, since this unilateral transfer of customers to new LCOs will not only affect the existing service providers, but also detrimental to the interest of the customers.

4. Heard the learned Counsel on either side and perused the documents placed on record.

5. Considering the facts and circumstances of the case and also taking into account the pendency of the application submitted by the second respondent for DAS licence, this writ petition is disposed of, directing the second respondent corporation to issue notice to the petitioners before appointing new LCOs as well as obtain the willingness of the customers for services through the petitioners and thereafter, pass necessary orders on the matter, in one way or the other, within a period of four weeks from the date of receipt of a copy of this



order, after affording due opportunity of hearing to the petitioners. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
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Ministry of Information and Broadcasting,
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+1cc to Mr.S.Jeyasingh, Advocate Sr.No.86723

+1cc to Mr.B.Prasanna Vinoth, Advocate, Sr.No.34104

GK

VB/JC/SAR4/20/12/2017/3P/5C

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