



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVEN

W.P. (MD) .No.21904 of 2017

and

W.M.P. (MD) No.18221 of 2017

A.Veeramani

... Petitioner

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,
Rep. by Managing Director,
"Dugar Towers", 6th floor,
Old No.34, New No.123,
Marshalls 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 petitioner to provide Digital Addressable System Signal to his intending customer based on the representation of the Tamil Nadu Cable TV General Welfare Association dated 23.09.2016 to the respondents 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 as per the choice of his customer.

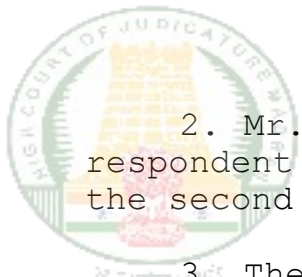
For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.P.Paul Pandi for R.1

Mr.S.Gunasekaran for R.2

O R D E R

By consent, this writ petition is taken up for final disposal,
at the stage of admission itself.



2. Mr.P.Paul Pandi, learned Counsel, takes notice for the first respondent and Mr.S.Gunasekaran, learned Counsel, takes notice for the second respondent.

3. The petitioner, being a private Cable TV Operator, is 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 his intending customers, the petitioner had tied up with private MSOs and started providing DAS signals to his customers. Whereas, all of a sudden, the second respondent corporation started allotting new LCOs to the areas which were already covered by existing LCOs. 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.

4. Though the learned Counsel for the petitioner has raised several grounds in this petition, the main point urged by the petitioner is that the second respondent has proposed to appoint new LCOs in the area which was allotted to the petitioner, thereby intending to transfer the customers of the petitioner to the newly appointed LCOs, without getting consent and without issuing any notice to him. 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 is also detrimental to the interest of the customers.

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

6. 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 petitioner before appointing new LCOs as well as obtain the willingness of the customers for such transfer, through the petitioner 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 petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

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+ 1 CC TO Mr.P.PAULPANDI, ADVOCATE IN SR No. 89753

GK

TE/MR-KKR/SAR-3 : 20/12/2017 : 3P/4C

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