



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.5786 of 2013

and

M.P(MD) Nos.1 & 2 & 4 of 2013

R.Senthil Ganesan

... Petitioner

-vs-

- 1.The General Manager,
Arasu Cable T.V.Corporation Ltd.,
Chennai-34.
 - 2.The Special Tahsildar-cum-Deputy Manager,
Arasu Cable T.V.Corporation Ltd.,
Dindigul.
 - 3.The Inspector of Police,
Tandigudi Police Station,
Dindigul District.
 - 4.Muthuvelkumar,
Cable T.V.Operator,
Aladipatti,
Pannaikadu,
Kodaikanal Taluk,
Dindigul District.
- (R4 impleaded as party of the respondent
vide Court order, dated 05.06.2013)

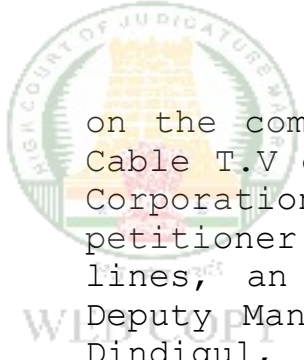
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.8 of 2012, dated 05.04.2013 and quash the same.

For Petitioner	:	Mr.C.Mayil Vahana Rajendran
For R1 & R2	:	Mr.S.Satheesh Kumar Additional Government Pleader for Mr.Abdul Saleem Spl. Govt. Pleader for Arasu Cable T.V.,
For R3	:	Mr.T.S.Mohammed Mohideen, Addl. Government Pleader
For R4	:	Mr.S.Karthick

O R D E R

It is seen that this petitioner had obtained a license from the Local Post Office in operating Cable Net Work and thereafter, he started meddling with the affairs of other Cable T.V., operators in the area and had started tapping their signal hence,



on the complaint given by one Muthuvelkumar, who is also a local Cable T.V operator, but accredited to Tamil Nadu Arasu Cable T.V., Corporation Ltd., against the petitioner, alleging that the petitioner is illegally tapping the Arasu Cable T.V., net work lines, an enquiry was conducted by the Special Tahsildar and Deputy Manager of the Tamil Nadu Arasu Cable T.V., Corporation, Dindigul, and an order dated 05.04.2013 was passed, directing the petitioner not to interfere with the business of Mr.Muthuvelkumar with further direction to operate the Cable T.V., net work only after getting necessary license from the Tamil Nadu Arasu Cable T.V., Corporation, challenging which, the petitioner has filed the present writ petition and obtained an order of interim stay, based on which, the petitioner is running his business since 2013.

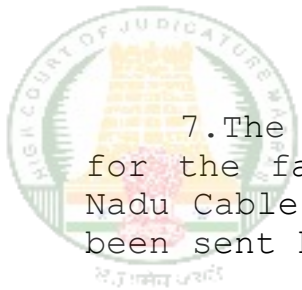
2.Heard Mr.C.Mayil Vahana Rajendran, learned counsel appearing for the petitioner, Mr.S.Satheeskumar, learned Additional Government Pleader for Mr.Abdul Saleem, learned Special Government Pleader appearing for the respondents 1 & 2 / Arasu Cable T.V., and Mr.T.S.Mohammed Mohideen, learned Additional Government pleader appearing for the third respondent.

3.The learned counsel for the petitioner submitted that under the Tamil Nadu Cable TV Net Work Regulation Act, it is the post-master of the local area, who should give a license and thus, the petitioner has sought for license, therefore, the impugned order is per se illegal and deserves to be quashed.

4.Per contra, the learned counsel for the respondents 1 & 2 explained to the Court that there are 6 Multi System Operators in Tamil Nadu, namely, Sumangali Cable T.V., Kal Cable Private Limited, Gathway Cable T.V., Jack Cable T.V., Arasu Cable T.V., and Cristal Cable T.V., and the local cable T.V., operators should get license from any one of the aforesaid Multi System Operators as a local T.V., operator for tapping the signals.

5.When this Court put a pointed question to the learned counsel for the petitioner as to whether he has got any license or authorisation from Arasu Cable T.V Corporation appointing him as a Local Cable Operator to tap the signals, the learned counsel for the petitioner placed a strong reliance upon the communication, dated 15.02.2017 sent by the Managing Director of Tamil Nadu Arasu Cable T.V., Corporation to the petitioner.

6.On a reading of the said communication, it is seen that the Managing Director has clarified the local cable T.V., operators that the Tamil Nadu Arasu Cable T.V., Corporation would continue his service by subscribing their signals to them, therefore, they need not be afraid of its service being discontinued in future. The communication can by no stretch of imagination be construed as a license or authorisation given by the Tamil Nadu Cable T.V., Corporation to the petitioner.



7. The learned counsel for the petitioner submitted that if not for the fact that the petitioner has been licensed by the Tamil Nadu Cable Arasu Cable T.V., the said communication would not have been sent by the Managing Director to him.

8. In the considered opinion of this Court, the communication dated 15.02.2017 issued by the Managing Director, is for the smooth conduct of the business and he has sent it in a routine manner to all the Local Cable TV operators. However, in the result, this writ petition is devoid of merits and the same is accordingly dismissed. Liberty is always given to the petitioner to approach any other Multi System Operators and obtain necessary license from them. If he makes an appropriate application to the Tamil Nadu Arasu Cable T.V., the same can be considered in accordance with law, and until then the petitioner is not entitled to illegally tap the signals of Tamil Nadu Arasu Cable T.V. The Tahsildar, who is present has clearly stated that the petitioner has not been issued with any authorisation or license by the Tamil Nadu Arasu Cable T.V., and the license given by the Post Office cannot mean that the petitioner can tap the signals of Tamil Nadu Arasu Cable T.V., in the absence of any license or authorisation. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The General Manager,
Arasu Cable T.V. Corporation Ltd.,
Chennai-34.
2. The Special Tahsildar-cum-Deputy Manager,
Arasu Cable T.V. Corporation Ltd.,
Dindigul.
3. The Inspector of Police,
Tandigudi Police Station,
Dindigul District.

+2cc to SPECIAL GOVERNMENT PLEADER in SR. No.53147,52814

+1cc to M/s. C.MAYIL VAHANA RAJENDRAN Advocate in SR.No.52697

JS/SV.MMS/9.05.2017/3P-7C