

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.15786 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents especially 5th respondent in not allowing the petitioner to lay the cable through Electric Poles in surrounding villages of the Nandyal Town as part of converting analogue signals to Digitilisation and expansion in the light of the circular of the office of the 6th respondent Circular No. 12/47/2016-DAS (Pt-I), dated 30.03.2017 though petitioner is entitled for the same being a registered cable operator and distributor to the M/s. Siti Cable Network Ltd. Which is a licensee under The Cable Television Networks (Regulation) Act, 1995 and Pole charges are being collected by the respondents vide circular S.O.O.Ms.O&M No.151, dated 25.11.2005 as illegal, arbitrary, violative of Articles 19(1) (g) and 21 of the Constitution of India and consequently direct the respondents not to interfere with the laying of the cable through the Electric Poles for the surrounding villages of Nandyal Town and pass such other order or orders as are deemed fit and proper.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Energy Department appearing for the 1st respondent, Smt. Jagarlamudi Koteswari Devi, learned Standing Counsel appearing for respondents 2 to 5 and Sri B. Narayan Reddy, learned Assistant Solicitor General appearing for respondents 6 & 7. I have perused the material available on record.

3. During the course of arguments, it is brought to the notice of the Court by Smt. Jagarlamudi Koteshwari Devi, learned Standing Counsel for respondents 2 to 5, that in fact the petitioner herein, before approaching this Court, submitted a representation on 20.04.2017 to the Divisional Engineer, Opeartion, APSPDCL, Nandyal, Kurnool District (5th respondent) with a request to permit the petitioner to lay the cable through the electrical poles of the respondent organisation in the surrounding villages of Nandyal Town as part of expansion of network and digitalization in the light of the circular of the Union Government, dated 30.03.2017.

4. Admittedly the said representation is pending consideration before the 5th respondent herein. Therefore, this Court is of the considered view that the ends of justice would be served if the 5th respondent herein is directed to take appropriate action on the said representation.

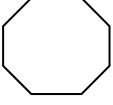
5. Accordingly, the Writ Petition is disposed of directing the 5th respondent herein to take appropriate action, in accordance with law, on the representation, dated 20.04.2017, said to have been submitted by the petitioner herein to the 5th respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

Date: 28th April, 2017

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