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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7498 of 2019

and

W.M.P. (MD) No.5996 of 2019

V.Manirani

... Petitioner

Vs.

1.The Secretary,
Ministry for Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi 110 001.

2.The District Collector / Nodal Officer,
Cable TV,
Theni District.

3.S.Murugeshwari

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the third respondent for providing analogue signal illegally in Seelayampatti Village, Theni District and also to cancel the LCO registration of the third respondent based on the representation of the petitioner dated 12.03.2019.

For Petitioner	: Mr.B.Prasanna Vinoth
For Respondents	: Ms.L.Victoria Gowri for R1 Mr.M.Rajarajan, G.A. for R2 Mr.P.M.Vishnuvarathanan for R3

O R D E R

The prayer in the Writ petition is for a Writ of Mandamus, directing the respondents 1 and 2 to take action against the third respondent for providing analogue signal illegally at Seelayampatti Village, Theni District and also to cancel the LCO registration of the third respondent based on the representation of the petitioner dated 12.03.2019.



the first respondent, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the second respondent and Mr.P.M.Visnuvarathan, learned counsel appearing for the third respondent.

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3. According to the learned counsel appearing for the petitioner, the petitioner is already running a cable net work through Arasu Cable TV Corporation, which according to him is a licensed one and in the licensed area of the petitioner, the third respondent is having his own cable network, therefore, in order to enquire the said issue, the petitioner has given a representation - request to the second respondent / Collector, who is the competent authority, on 12.03.2019. Therefore, if the said representation is enquired upon and decided on merits, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4. However, Mr.P.M.Visnuvarthan, learned counsel appearing for the third respondent, against whom such an allegation has been made by the petitioner, would vehemently contend that, he is not a LCO and therefore, the allegation that he is doing analogue ie., illegally doing the cable TV operation in that area in analogue mode is unfounded. Therefore, on that aspect, the petitioner cannot seek any indulgence from this Court that too by way of mandamus.

5. The learned Additional Government Pleader appearing for the second respondent would submit that, whatever be the claim and counter claim between the petitioner and the third respondent, the same would be decided after hearing both sides by the second respondent, who is the competent authority.

6. Heard the learned counsel appearing for the first respondent, who is a formal party.

7. After having considered the said submissions made by the learned counsel appearing for the parties, this Court is of the view that, merely because this Court gives a direction in the line, it cannot be construed by the second respondent that the allegation made by the petitioner through his representation against the third respondent, is accepted by this Court. With this rider, this Writ petition is disposed of with the following direction:

<https://hcservices.ecourts.gov.in/hcservices/> That the second respondent is hereby directed to consider the representation of the petitioner dated 12.03.2019 and by considering the same, an opportunity of being heard should be



given to both the petitioner as well as the third respondent and after hearing both sides, final order can be passed on the said representation by the second respondent within a period of six weeks from the date of receipt of a copy of this order.

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8.It is also made clear that in this regard, if the third respondent wants to give any written submission, explaining his stand towards the said allegation made by the petitioner through his representation, it is open to him to make such written submission and once such written submission is filed, within the time stipulated by the second respondent by giving notice, the same shall also be taken into account by the second respondent and final order to be passed accordingly.

No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

nbg

To

1.The Secretary,
Ministry for Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi 110 001.

2.The District Collector / Nodal Officer,
Cable TV, Theni District.

+1CC TO MR.SPECIAL GOVERNMENT PLEADER, SR NO.70048

+1CC TO MR.B.PRASANNAVINOOTH, ADVOCATE, SR NO.70835

+1CC TO MR.L.VICTORIA GOWRI, ADVOCATE, SR NO.70146

W.P. (MD) No.7498 of 2019

19.06.2019

BUC (05/07/2019) 3P/6C