



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19303 of 2019

Vasanthi

... Petitioner

/Vs./

1.The District Collector,
Kanyakumari District,
Nagercoil, Nagercoil Post.

2.The Special Thasildar,
Tamil Nadu Cable Television Corporation Ltd.,
Kanyakumari District,
Collectorate Campus, Nagercoil.

3.The Post Master,
Thuckalay Post Office,
Thuckalay, Thuckalay Post,
Kanyakumari District.

4.Thiru.K.Sunil Kumar

... Respondents

PRAYER: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's complaint dated 06.05.2019 in accordance with the provisions of the Cable Television Networks (Regulation) Act, 1995 as early as possible.

For Petitioner: Mr.C.R.Nimal
for Mr.M.P.Hariprasad
For R-1 : Mr.B.Bhagawathi
Government Advocate
For R-2 : Mr.S.Gunasekaran
For R-3 : Mr.R.Arjunaraja
Senior Panel Counsel

ORDER

Mr.C.R.Nimal, learned counsel representing for Mr.M.P.Hariprasad, learned counsel on behalf of writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of respondent No.1, Mr.Gunasekaran, learned counsel
<https://hcservices.ecourts.gov.in/hcservices/>



accepts notice on behalf of respondent No.2 and Mr.R.Arjunaraja, learned Senior Panel Counsel accepts notice on behalf of respondent No.3.

3. To be noted, fourth respondent is a private respondent. From the submissions made before this Court, it comes to light that an order which is not adverse to the 4th respondent can be passed *inter alia* by providing adequate safeguards and safety valves for the 4th respondent. Such safety mechanism qua 4th respondent is adumbrated *infra* in this order.

4. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 06.05.2019 wherein writ petitioner has sought action against 4th respondent alleging that he is running a 'Local Cable Television Network' (LCO) and functioning as LCO without cable television licence from the jurisdictional Post-master.

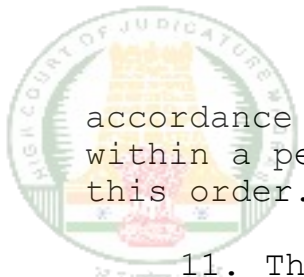
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, at the hearing, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 06.05.2019, details of which have been alluded to *supra*.

7. Learned State counsel submitted that the first respondent is the authority, who shall consider the aforementioned representation dated 06.05.2019 made by the writ petitioner (page No.5 of the typed set of papers forming part of the case file).

8. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. To be noted, in the instant case, it is imperative that the 4th respondent is put on notice and given a reasonable opportunity to respond before a decision is taken on the said representation.

10. The aforesaid representation dated 06.05.2019 shall be disposed of by the first respondent on its own merits and in



accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

11. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
Nagercoil, Nagercoil Post.

2.The Special Thasildar,
Tamil Nadu Cable Television Corporation Ltd.,
Kanyakumari District,
Collectorate Campus, Nagercoil.

3.The Post Master,
Thuckalay Post Office,
Thuckalay, Thuckalay Post,
Kanyakumari District.

+1 CC to M/s.R. ARJUNARAJAN, Advocate (SR-85239[F] dated 05/09/2019

+1 CC to M/s.SPL GP (SR-85626[F] dated 06/09/2019)

+1 CC to M/s.M.P.HARI PRASAD, Advocate (SR-85578[F] dated 06/09/2019)

Order made in
W.P(MD)No.19303 of 2019
Dated:05.09.2019

SM

MS/19.09.2019/3P.7C