



WEB COPY

W.P(MD)No.19197 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.19197 of 2019

and

W.M.P. (MD)No.15558 of 2019

M.Paramasivam

... Petitioner

/vs./

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

2.The Nodal Officer/District Collector,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

4.The Deputy Superintendent of Police,
Maniyatchi,
Thoothukudi District.

5.Bala @ Balamurugan

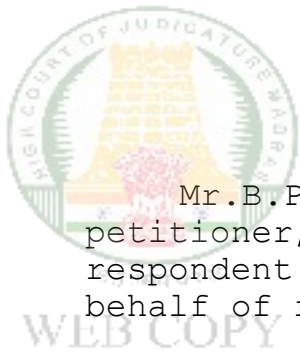
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent 2 to 4 to initiate action against the fifth respondent for illegally transmitting analogue signal in violation of Section 4A Cable TV Network Regulation Act and seize the equipments used by the fifth respondent for transmission of Analogue signal and consequently, cancel the postal license of the fifth respondent based on the representation of the petitioner dated 12.07.2019.

For Petitioner : Mr.B.Prasanna Vinoth

For R-1 : Ms.L.Victoria Gowri

For R2 to R4 : Mr.B.Bagawathi
Government Advocate



ORDER

Mr.B.Prasanna Vinoth, learned counsel on record for writ petitioner, Ms.L.Victoria Gowri, learned counsel on behalf of first respondent and Mr.B.Bhagawathi, learned Government Advocate, on behalf of respondents 2 to 4 are before this Court.

2. To be noted, respondent No.5 is a private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to respondent No.5 (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard.

3. With consent of learned counsel on record for writ petitioner, learned counsel on behalf of first respondent and learned Government Advocate, on behalf of respondents 2 to 4 (official respondents), main writ petition is taken up, heard out and is being disposed of.

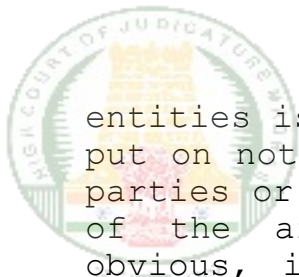
4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 12.07.2019 wherein writ petitioner has *inter alia* complained that fifth respondent is transmitting analogue signal .

5. 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, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 12.07.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 12.07.2019 made by the writ petitioner (page Nos.8 to 10 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 12.07.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity /



entities is / are likely to be affected, the second respondent shall put on notice and 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. It is also made clear with specificity that respondent No.5 has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision.

9. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

10. In the course of disposing of the representation, if the second respondent requires any report or any other kind of assistance from the jurisdictional revenue authorities, the same shall be taken from any officer of second respondent's choice, other than the Special Tahsildar who is functioning as Assistant Manager of Arasu Cable TV Corporation.

11. The proceedings / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CrI.Side)

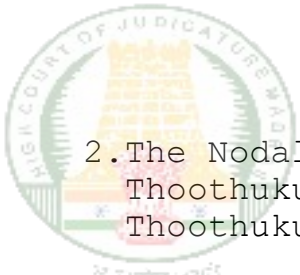
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Sub Assistant Registrar(CS)

Rmi

To

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



2.The Nodal Officer/District Collector,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

4.The Deputy Superintendent of Police,
Maniyatchi,
Thoothukudi District.

+1 CC to GP SR-89032.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate SR-88824.

+1 CC to M/s.L.VICTORIA GOWRI, Advocate SR-88773.

+1 CC to M/s.S.GUNASEKARAN, Advocate SR-88943.

Order made in
W.P (MD) No.19197 of 2019

Dated:
23.09.2019

CS (16.10.2019) 4P 9C