



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P.(MD)No.877 of 2018

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1.K.P.Thangaraj

2.S.Radhakrishnan

... Petitioners

-Vs-

Rajakirupakaran

The General Manager,

Tamil Nadu Arasu Cable TV

Corporation Ltd.,

34/123, 6th Floor,

Durga Towers,

Marsals Road,

Chennai - 600 008.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor for willful disobedience of the order passed by this Court dated 02.11.2017 made in W.P.(MD) No.20153 of 2017.

Prayer in WP(MD). 20153/ 2017 :

Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st respondent to forbear the 2nd respondent from allotting new Local Cable TV Operator in existing Local Cable TV Operator area and allow the petitioners to provide Digital Addressable System Signal to their intending customers and also direct the 1st respondent to take action on the 2nd respondent and its erring officials for disturbing of implementation of Digital Addressable System.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondent : Mr.Gunasekaran
Standing counsel

ORDER

This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 02.11.2017 made in W.P.(MD) No.20153 of 2017.

2.Today, when this contempt petition is taken up for disposal, the learned Counsel appearing for the respondent has produced a communication or letter dated 21.06.2019 addressed to the learned



standing counsel and the contents of the letter read thus:

"I invite your kind attention to the 1st reference cited and inform you that regarding the Contempt Petition No.877/2018 in W.P.(MD) No.20153/2017 & 20155/2017.

"TACTV stated that Thiru.R.Mohan Raj (LCO.No.15373) and P.Madhavan (LCO.No.15519) are not appointed against the petitioners Thiru.K.P.Thangaraj and S.Radha Krishnan. They were already LCOs from 16.04.2012, i.e., on the same date from which the petitioners are enrolled as LCOs in the respective areas allotted to them. Thus I humbly state that TACTV has not violated the Hon'ble Court order in WP(MD) No.20153/2017 & 20155/2017."

I am also request you to appear and defend the case before the Hon'ble Madurai Bench of Madras High Court, when the case comes up for hearing."

3.By relying upon this communication, the learned counsel appearing for the respondent submitted that, since injunction has been granted on 02.11.2017, not to allot any new LCOs in that area, which was already allotted to the petitioner, no such allotment has been made to any one and the two persons mentioned by the petitioners in the contempt petition are not new LCOs allotted subsequent to the interim order passed by this Court, since those two persons have already been offering of Cable TV network right from 2012. Therefore, the learned counsel appearing for the respondent submitted that the orders of this Court has not been violated.

4.However, the learned counsel appearing for the petitioners submitted that, two persons, mentioned in the said letter of the respondent, though claimed to be already in the field from 2012, by permitting them to have the Cable TV operation, the respondents violating the orders of this Court as the area of operation of two individuals is overlapping the area already allotted to the petitioners.

5. The said issue raised by the petitioners cannot be decided in the contempt petition and for the said reason, it cannot be construed that the respondents have willfully violated the orders of this Court. If at all, there has been a dispute between the petitioners and other rival cable operators in the same area or adjacent area or the area between them is overlapped, these are all the matters to be gone into in an appropriate proceedings as those individuals are not before this Court even in the main writ petition. If at all the petitioners want to decide that issue comprehensively in the main writ petition, the petitioners can implead the individuals in the main writ petition to redress their grievances against them, if it is advised to do so.

6.In that view of the matter, this Court is of the view that these no contempt would lie against the respondents for the alleged



disobedience of the orders of this Court. Accordingly, this contempt petition is closed.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

To

Rajakirupakaran
The General Manager
Tamil Nadu Arasu Cable TV
Corporation Ltd.,
34/123, 6th Floor,
Durga Towers,
Marsals Road,
Chennai - 600 008.

+1 CC to Mr.S.GUNASEKARAN, Advocate (SR-74187[F] dated 09/07/2019)
+1 CC to Mr.B.PRASANNA VINOTH, Advocate (SR-74361[F] dated
10/07/2019)

Order made in
CONT.P.(MD)No.877 of 2018
Dated:**09.07.2019**

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MK (27.08.2019) 3P 4C