



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P.(MD)No.1226 of 2018

in

W.M.P.(MD)No.18760 of 2017

in W.P(MD).No.22445 of 2017

P.Dhayanithi

... Petitioner/Petitioner

-Vs-

A.John Louis

M/s.Tamil Nadu Arasu Cable TV Corporation Limited,
rep., by Managing Director,
"Dugar Towers", 6th Floor,
Old No.34, New No.123,
Marshalls Road, Egmore,
Chennai-60 008.

... Contemnor/Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish upon the contemnor for wilful disobedience of the interim order passed by this Court in W.M.P(MD). No.18760 of 2017 in W.P(MD).No.22445 of 2017 dated 07.12.2017 and punish him according to law.

Prayer in WMP(MD) . 18760 of 2017 :

To grant an order of Interim injunction restraining the 2nd respondent their men, servants and agents claiming under the petitioner from allotting new Local Cable TV Operators in an existing Local Cable TV operators are pending disposal of the above Writ Petition.

Prayer in WP(MD) . 22445 of 2017 :

Writ 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 petitioner to provide Digital Addressable System Signal to his intending customer based on the representation of the Tamil Nadu Cable TV General Welfare Association dated 23.09.2016 to the respondents and the representation of the petitioner dated 04.12.2017 to the 1st respondent 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 as per the Choice of this customer.

**ORDER**

This contempt petition has been filed for the alleged disobedience of the order of this Court dated 07.12.2017 made in W.M.P(MD).No.18760 of 2017 in W.P(MD).No.22445 of 2017.

2.Today, when this contempt petition is taken up for hearing, Mr.S.Gunasekaran, learned Standing Counsel appearing for the respondent would submit that, in violation of the order passed by this Court, the respondent have not acted upon and not appointed anyone as the New Local Cable TV Operator in the area allotted to this writ petitioner. In this regard, he relied upon the communication issued by the respondent, dated 12.07.2017, in letter No.B11/11082/2017, which reads thus:-

"I invite your kind attention to the 2nd reference cited and inform you that regarding the contempt petition in Cont.P.No.1226 of 2018 in W.P(MD).No.22445 of 2017 & W.M.P(MD).No.18760 of 2017.

"TACTV states that Thiru.Kumar or any other New Local Cable Operator has not been appointed against the petitioner (Thiru.P.Dhayanithi (LCO.No.21766)) in the Varaganeri area. Thus I humbly state that TACTV has not violated the Hon'ble Court order in W.P(MD).No.22445 of 2017 & W.M.P(MD).No.18760 of 2017 dated 07.12.2017"

3.The said factor has not been controverted by the learned counsel for the petitioner.

4.By recording the said communication dated 12.07.2019, since this Court feels that there is no violation of the order passed by this Court, this Contempt petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.S.GUNASEKARAN, Advocate SR-75181.

+1 CC to Mr.B.PRASANNA VINOTH, Advocate SR-75475.

**Order made in
CONT.P. (MD)No.1226 of 2018
in
W.M.P. (MD)No.18760 of 2017
in W.P(MD) .No.22445 of 2017**

Dated:

15.07.2019