

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.34406 OF 2011

ORDER:

The prayer sought in this writ petition is as under:

'For the reasons stated in the accompanying affidavit, the petitioner herein prays that, the Hon'ble Court may be pleased to issue a writ in the nature of a Writ of Mandamus or any other appropriate writ, direction, order or orders declaring the arbitrary action of the Respondents 5 & 6 in telecasting the specially designed programs 'LAKA-LAKA-LAKA' etc which amounts to demoralizing and character assassination of Sri Chinna Jeeyar Swamy and Ashramam inmates and making the people panic about their sensitive religious feelings as illegal, arbitrary and violative of Articles 19 & 21 of Constitution of India and consequently direct the Respondents 1 to 4 to initiate appropriate steps as contemplated under the provisions of The Cable Television Networks Regulation Act, 1995 (Act 07 of 1995) and Rules thereon against the Respondents 5 & 6 and their personnel and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.'

A counter affidavit is filed on behalf of the fourth respondent. That apart, the learned Assistant Government Pleader for Home also placed on record written instructions, dated 17.09.2019, issued by the Sub-Inspector of Police, Rayadurgam Police Station, Cyberabad Commissionerate.

From a perusal of the said written instructions, it is evident that one Smt.Samudrala Padmasree, the seventh respondent herein, approached the Rayadurgam Police Station and lodged a complaint stating that the persons named in the complaint wrongfully confined her and threatened her with dire consequences to give the statement against Chinna Jeeyar Swamy to telecast in the TV Channel, and hence, requested the police to take necessary action as per law. Pursuant to the said

complaint, a case in Crime No.438 of 2011 for the offences under Sections 342 and 506 IPC was registered on the file of Rayadurgam Police Station on 26.11.2011 and investigation is taken up. During the course of investigation, the Investigating Officer examined witnesses and visited the scene of offence but there is no documentary evidence to prove that the allegations made by the complainant and the witnesses also not supported the version of the complainant. As such, a notice was served on the complainant (the learned Assistant Government Pleader submits that though in the written instructions, it is mentioned as 'petitioner', but the notice was actually served on the 'complainant') and a final report has been filed before the VIII Metropolitan Magistrate, Rajendranagar, on 05.06.2012 stating that the complaint has been closed as 'Lack of Evidence'.

In the counter affidavit, it is specifically mentioned that the representations submitted by the petitioner in this regard are pending consideration before the Commissioner of Police, Cyberabad Commissionerate. Necessary action will be initiated against the concerned persons after completion of investigation in Crime No.438 of 2011. It is also further mentioned in the counter-affidavit that the allegations/ averments made in the affidavit filed in support of the writ petition are directed against the unofficial respondents in the writ petition and for which, the respondent police is no way concerned with the same.

When the matter has come up 'for hearing' on 19.01.2012 before this Court, this Court granted interim directions by its order passed in W.P.M.P.No.42822 of 2011 in W.P.No.34406 of 2011 dated 19.01.2012, directing the respondents not to telecast any programme in violation of Programme Code under Rule 6(1) of the Cable Television Network Rules,

1964, against Sri Tridandi Chinna Jeeyar Swamy varu and his Ashram inmates. In compliance with the direction of this Court, no programme was telecasted about Sri Tridandi Chinna Jeeyar Swamy and his Ashram inmates till the date of filing of the counter affidavit. It is also further mentioned in the counter-affidavit that if any adverse information is received by the respondent police, certainly action will be initiated against the concerned person. The third respondent, i.e., the Commissioner of Police, issued notice *vide* No.46/202/cyb/12, dated 30.01.2012, to the fifth and sixth respondents for violating the Programme Code Rule 6(d) of Section 16 of the Cable Television Networks Act, 1995 (for short, 'the Act').

In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition, since notice dated 30.01.2012, under Section 14 of the Act, was issued directing the unofficial respondents herein to explain within fifteen days from the date of receipt of notice as to why necessary legal action should not be initiated against the channel by seizing the equipment of channel as per law.

Accordingly, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

P.KESHAVA RAO,J

Date:04.11.2019

GJ