

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

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THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.17803 and 13438 of 2013
& M.P.No.1 of 2013 in W.P.No.13438 of 2013
(Heard through VC)

S.Pon Perumal ..Petitioner in WP No.17803/2013

N.Vijaya ..Petitioner in WP No.13438/2013

Vs.

1. The Post Master General,
Anna Salai,
Chennai-600 002.
 2. The Senior Superintendent of Post Offices,
Chennai City North Division,
Chennai-600 008.
 3. The Post Master,
Park Town Head Office,
Chennai-600 003.
 4. Mrs.N.Vijaya,
W/o.M.Natarajan,
No.124, Avvai Street,
Thiruvalléeswarar Nagar,
Thirumangalam,
Chennai-600 040.
- ..Respondents in WP No.17803/2013

1. The Post Master General,
Anna Salai, Chennai-600 002.
2. The Head Post Master,
Park Town Head Post Office,
Chennai-600 003.
3. The Commissioner of Police,
Chennai City, Egmore,
Chennai-600 008.

4. KAL Cable Private Limited,
rep. by its Managing Director,
No.229, Kutchery Road,
Mylapore, Chennai-600 004.

.. Respondents in WP
No.13438/2013

5. S.Pon Perumal

Prayer in W.P.No.17803/2013 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the third respondent and to quash the order dated 29.04.2013 passed by the third respondent and to issue fresh cable network license in the name of Sree Mutharamman Cable Network based on the application dated 15.02.2013.

Prayer in W.P.No.13438/2013 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents 1 and 2 from registering the fifth respondent as cable operator for running a cable television network without considering the objections made by the petitioner dated 07.03.2013 and 10.04.2013.

For Petitioner in WP : Mr.N.Vijay Baskar
No.17803/2013/For
Respondent 5 in WP
No.13438/2013

For Petitioner in WP : Mr.M.Sivavarthanan
No.13438/2013/For
Respondent 4 in WP
No.17803/2013

For Respondents : Ms.S.Meenakumari,
Central Govt. Standing Counsel
for RR 1-3 in WP No.17803/2013

Mr.P.Ayyasamy,
Central Govt. Standing Counsel
for RR 1 and 2 in
WP No.13438/2013

Mr.V.Shanmugasundar,
Special Govt. Pleader for R3

Mr.R.L.Saravanan for R4

COMMON ORDER

Since the issue involved in both these writ petitions is common, they are taken up together for hearing and disposed of by way of this common order.

2. The petitioner in W.P.No.17803 of 2013 has laid challenge to the order dated 29.04.2013 passed by the third respondent and sought for a direction to issue fresh cable network license in the name of Sree Mutharamman Cable Network based on the application dated 15.02.2013.

3. The petitioner along with the husband of the fourth respondent - Natarajan, was carrying on the business in cable TV network by way of partnership agreement dated 29.11.2002 in the name of S.V.Cable Network. In the year 2012, there was a difference of opinion between the partners and the petitioner was kept away from the business and the said Natarajan obtained license in his individual name allowing his wife, who is the fourth respondent to be the proprietrix of the S.V. Cable Network without the knowledge of the third respondent. Thereafter, the petitioner started the cable network business and obtained an individual connection from KAL Cable Private Limited and was giving connections to certain areas in and around Thiruvalluvar Nagar, Chennai. The petitioner also obtained cable TV License from the third respondent in the same name, i.e., S.V. Cable TV Network and obtained fresh RC No.411, dated 15.06.2012. On knowing the same, the husband of the fourth respondent gave complaints against the petitioner through his wife. Based on the complaints, the third respondent conducted enquiry, wherein, it was mentioned that the license obtained by the fourth respondent was in the name of SV Cable Network, whereas, the petitioner's license was in the name of SV Cable TV Network and there was a difference in the names and therefore there were two different licenses. However, without verification, the third respondent cancelled the license of the petitioner on 25.07.2012.

4. In the meanwhile, the husband of the fourth respondent filed O.S.No.242 of 2012 along with I.A.No.862 of 2012 before the District Munsif, Ambattur, and obtained an order of interim injunction against the petitioner. However, I.A.No.862 of 2012 was dismissed on 07.01.2013.

5. While so, it is stated that the first and second respondents advised the petitioner to apply afresh in a

different name. Thereafter, the petitioner applied for the license in the name of Shri Mutharamman Cable Network on 15.02.2013. However, the same was rejected by the impugned order stating that there was a business partnership dispute between the petitioner and the fourth respondent and only after obtaining a legal opinion from the Regional Office, the license can be issued. The said communication is impugned in this writ petition.

6. Earlier, the fourth respondent in the said writ petition filed a writ petition in W.P.No.13438 of 2013 seeking a writ of Mandamus forbearing the respondents 1 and 2 from registering the petitioner as cable operator for running a cable television network without considering the objections made by her. The petitioner in W.P.No.17803 of 2013 is shown as fifth respondent in the said writ petition.

7. After hearing the arguments for sometime, the learned Central Government Standing Counsels informed the Court that the petitioner in W.P.No.17803 of 2013 could make a fresh application in this regard seeking license along with necessary documents and the same will be considered by the official respondents of the Postal Department.

8. As the grievance of the petitioner in W.P.N.13438 of 2013 is that without hearing her objections, no license could be issued, she is at liberty to submit her objections, as has been submitted by her earlier on 07.03.2013 and 10.04.2013.

9. The learned counsels for the parties are agreeable for the said directions. Accordingly, the petitioner in W.P.No.17803 of 2013 is directed to apply for the license for cable television network afresh within a period of six weeks from the date of receipt of a copy of this order. It is open to the petitioner in W.P.No.13438 of 2013 to submit her objections, if any, in this regard within a period of two weeks thereafter.

10. After receipt of the application for license as well as the objections from the parties, the Head Post Master, Park Town Head Office, Chennai-600 003, is directed to consider the same and after affording an opportunity of personal hearing, either personally or virtually, to the parties, pass appropriate orders on merits and in accordance with law within a period of six weeks thereafter.

11. With the above directions, these writ petitions are disposed of. Consequently, M.P.No.1 of 2013 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Post Master General,
Anna Salai,
Chennai-600 002.
2. The Senior Superintendent of Post Offices,
Chennai City North Division,
Chennai-600 008.
3. The Post Master,
Park Town Head Office,
Chennai-600 003.
4. The Commissioner of Police,
Chennai City, Egmore,
Chennai-600 008.

W.P.Nos.13438 and 17803 of 2013

PPA(CO)
KKV/13/08/2020

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