



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15111 of 2020

and W.M.P. (MD).No.12722 of 2020

B.Venkatesh

.. Petitioner

Vs.

1.The District Revenue Officer/Nodal Officer (Cable),
Trichy, Trichy District.

2.The Superintendent of Police,
Trichy District (Rural), Trichy.

3.The Assistant Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
Trichy District, Trichy.

4.The Inspector of Police,
Navalpattu Police Station, Trichy District.

5.Mr.Palaniappan,

6.M.Muthukrishnan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to take action against the 3rd and 5th respondents for illegally restraining the petitioner from doing his Cable business and also restrained them from disturbing the petitioner's Cable business, based on the petitioner's representation dated 14.10.2020.

For Petitioner: Mr.B.Prasanna Vinoth

For Respondent: Mr.A.Muthukaruppan for R1 to R4

Additional Government Pleader

Mr.T.Madasamy for Proposed impleaded
person (Petition not filed)

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a mandamus seeking for a direction to the first and second respondents to take action against the third and 5th respondents for illegally restraining the petitioner from doing his Cable business, based on the petitioner's representation dated 14.10.2020.

2.Heard Mr.B.Prasanna Vinoth, learned counsel for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.T.Madasamy, learned counsel, who seeks permission to file an impleading petition to implead a proposed party to this writ



petition, but the same was denied by this Court.

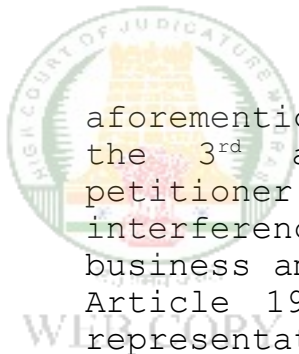
3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.It is the case of the petitioner that he is a Cable TV Operator and providing digital signals and STBs (Set Top Boxes) to his customers. It is the case of the petitioner that he has obtained license from the Senior Post Master, Tiruchirappalli (G) HO, 620 001, under Form - 3, to run the Cable Television Net Work at Velayuthankudi and Kumbakudi, Trichy, dated 21.01.2020, from 20.01.2020 to 19.01.2021. It is the case of the petitioner that the third respondent is preventing him from operating Cable TV in the aforementioned area, as according to them, it is only the 6th respondent who is permitted to provide digital signals and STBs in that area. According to the petitioner, the third respondent does not have any jurisdiction or legal right to restrict the petitioner from operating Cable TV in the areas of Velayuthankudi and Kumbakudi.

5.It is the case of the petitioner that the third and 6th respondents have disconnected his optic fibre line illegally. It is also the case of the petitioner that the 5th respondent called him and his father to the police station on 09.10.2020 and threatened them that they should not provide signals in the above mentioned areas, as the same belongs to the 6th respondent. It is the case of the petitioner that the third respondent is one amongst the Multi system operators and they cannot monopolize the Cable business. According to him, the third respondent does not have any jurisdiction over Cable Business. It is also the case of the petitioner that the 4th respondent had already directed the 3rd and 6th respondents to approach the Civil Court, as he cannot intervene in the dispute between the petitioner and the 6th respondent.

6.It is the case of the petitioner that the action of 5th respondent in interfering with the Cable TV operation by the petitioner is illegal. According to him, it amounts to violation of his fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India. The petitioner has given a representation on 14.10.2020 to the respondents 1 and 2 for taking action against the respondents 3, 5 and 6 for the unlawful interference with the petitioner's Cable TV business in the areas allotted to him under the licence. According to the petitioner, till date, the said representation has not been considered by the respondents 1 and 2. In such circumstances, this writ petition has been filed.

7.The postal licence dated 21.01.2020 has been issued to the petitioner for running a Cable TV net work at Velayuthankudi and Kumbakudi for the period from 20.01.2020 to 19.01.2021. The case of the petitioner is that the 5th respondent is illegally interfering with the petitioner's business of running a Cable TV net work at the



aforementioned areas. It is also the case of the petitioner that the 3rd and 6th respondents have illegally disconnected the petitioner's optic fibre line. It is also his case that the interference by the 5th respondent over the petitioner's Cable TV business amounts to violation of fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India. He has made a representation on 14.10.2020 to the respondents 1 and 2 for taking action against the respondents 3, 5 and 6 and admittedly, the same has not been considered till date. No prejudice will be caused to the respondents, if the petitioner's representation dated 14.10.2020, requesting the respondents 1 and 2 to take action against the 3rd, 5th and 6th respondents for illegally restraining the petitioner from doing his Cable TV business and also restraining them from disturbing the petitioner's Cable TV business is considered by the respondents 1 and 2 on merits and in accordance with law. However, the respondent No.3, 5 and 6 will have to be necessarily heard before any final orders are passed by the respondents No.1 and 2 in the representation of the petitioner dated 14.10.2020.

8.For the foregoing reasons, this Court directs the respondents 1 and 2, to consider the petitioner's representation dated 14.10.2020, seeking the first and second respondents to take action against the 3rd, 5th and 6th respondents for illegally restraining the petitioner from doing his Cable TV business at Velayauthankudi and Kumbakudi, for which a licence was also issued by the Senior Post Master, Tiruchirappalli (G) HO, 620 001, on 21.01.2020 for the period from 20.01.2020 to 19.01.2021 and also pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner as well as the 3rd, 5th and 6th respondents and all necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that till the final orders are passed, the respondents including the 3rd, 5th and 6th respondents shall not disturb the petitioner's Cable TV Net work and Cable TV business at Velayuthankudi and Kumbakudi areas as per the license dated 21.01.2020 issued by the Senior Post Master, Tiruchirappalli (G) HO, 620 001.

9.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Revenue Officer/Nodal Officer (Cable),
Trichy, Trichy District.
- 2.The Superintendent of Police,
Trichy District (Rural),
Trichy.
- 3.The Assistant Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
Trichy District, Trichy.
- 4.The Inspector of Police,
Navalpattu Police Station,
Trichy District.

+1 CC to M/s.SPL GP (SR-21022[F] dated 03/11/2020)

W.P (MD) .No.15111 of 2020
02.11.2020

SSS(CO)
KB(18.11.2020) 4P 6C