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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.6217 of 2018

P.A. Gowthaman @ Raja Gowthaman
Son of Paneer Selvam
Director
M/s. S.G. Digital Video Systems Pvt Ltd.,
Door No.29, Mannai Nagar
Mannargudi Taluk
Thiruvarur District - 614 001 .. Petitioner

Versus

1. The Secretary
TRAI
Mahanagar Door Shanchar Bhawan
Jawaharlal Nehru Marg
Old Minto Road
Near Dr. Zakir Hussain College
New Delhi - 110 002
2. The Secretary
The Ministry of Information and Broadcasting
No.116, "A" Wing, Shastri Bhavan
New Delhi - 110 001
3. The Managing Director
Tamil Nadu Arasu Cable TV Corporation Limited
Dugar Towers, 6th Floor
No.123, Marshalls Road, Egmore
Chennai - 600 008
4. The Deputy Manager/The Special Thasildhar
Tamil Nadu Arasu Cable TV Corporation
No.3/322, Marutham Nagar
Vilamal, Thiruvarur - 614 001
5. The Tahsildar
Santhamangalam
KTR Nagar, Mannargudi
Thiruvarur District - 610 001



6. The District Collector
Collector Office Master Plan Complex
Thiruvarur
Thiruvarur District - 610 001
7. The Revenue Divisional Officer
VOC Road, Mannargudi
Thiruvarur - 614 001
8. The Superintendent of Police
District Police Office
Master Plan Collector Complex
Thiruvarur H.O. (Behind Collector Office)
Thiruvarur District - 610 001
9. The Chief Secretary Office
Fort St. George
Chennai - 600 009
10. The DGP of Office
Dr. Radhakrishnan Salai
Mylapore, Chennai - 600 004
11. Mr. Madhan @ Madhanagopal
Son of Palaniraj
Vaanakkaratheru
Mannargudi - 614 001
Office at
Sivaprakasah Madatheru
District Cable Operator
Tamil Nadu Arasu Cable TV Corporation
Thiruvarur District - 610 001 .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the Respondents 3 to 8 through the respondent Nos. 1 and 2 and 9 and 10 from taking any action of any kind against the petitioner, who is having DAS Licence (Digital Administration System) issued by the second respondent on 15.02.2016 to the Petitioner as per terms of the regulation of the first respondent and in accordance with Cable Television Networks (Regulations) Act, 1995 by considering the representation of the petitioner dated 17.11.2017.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Mr. S. Diwakar, SPC for RR1 and 2

Mr. Abdul Saleem for R3

Mr. G. Krishnaraja
Government Counsel for RR4 to 10



ORDER

The petitioner has filed this writ petition praying to issue a Writ of Mandamus forbearing the Respondents 3 to 8, through the respondent Nos. 1 and 2 and 9 and 10 from taking any action of any kind against the petitioner, who is having DAS Licence (Digital Administration System) issued by the second respondent on 15.02.2016 as per terms of the regulation of the first respondent and in accordance with Cable Television Networks (Regulations) Act, 1995 by considering the representation of the petitioner dated 17.11.2017.

2. The petitioner would state that he is a cable TV operator functioning in Mannargudi Taluk even prior to the constitution of the Arasu Cable TV Corporation in the year 2011. While so, as per the Regulations issued by the first respondent for digitalizing the Cable TV operations, he had obtained Digital Administration System (DAS) Licence. Subsequently, Arasu Cable TV Corporation also obtained DAS License from the second respondent. After obtaining such licence, the respondents 3 and 8 are threatening all the Cable TV Operators in the District not to function under the DAS Licence and to give it up totally so as to create a monopoly in the business in favour of the third respondent. In this context, the respondents 3 and 4 are also misleading the respondents 5 to 8 to take action against independent DAS License holders without any basis. In case of violation of the licence condition, the official respondents have to take recourse to Section 11 of the Cable TV Television Network (Regulations) Act, 1995, however, without doing so, unilaterally the third respondent is attempting to close down the cable TV Operations of the DAS licence holders through unlawful means. The petitioner therefore submitted a representation on 17.11.2017 to the official respondents, but it was not acted upon. Therefore, the petitioner has come forward with this writ petition.

3. On the above contention, this Court heard the respective counsel for the respondents. The learned counsel for the respondents are not in a position to state as to whether any action has been taken on the representation dated 17.11.2017 or not.

4. In the above facts and circumstances of the case, this Court, without expressing any opinion as regards the grievance expressed by the petitioner, directs the petitioner to submit a copy of the representation dated 17.11.2017 to the sixth respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the sixth respondent is directed to



consider the representation dated 17.11.2017 of the petitioner, if not considered earlier, afford an opportunity of hearing to him and others concerned, and pass orders on merits and in accordance with law, within a period of six weeks thereafter.

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5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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Dr. Radhakrishnan Salai
Mylapore, Chennai - 600 004

+1CC to Mr.Abdul Saleem, Advocate, Sr.No.40296
+1CC to Mr.S.Diwakar, Advocate, Sr.No.40290
+1CC to the Government Pleader, Sr.No.40767
+1CC to Mr.Swami Subramanian, Advocate, Sr.No.40146 (29.10.2021)

WP No.6217 of 2018

GPL (CO)
K.RK. (27.09.2021)