



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No. 2817 of 2018

Kaliampoorthy

.. Petitioner

Versus

1. The Secretary,
Government of India,
Ministry of Information and Broadcasting,
"A" Wing, Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001
2. M/s.Tamil Nadu Arasu Cable TV Corporation Limited,
rep. by its General Manager,
Dugar Towers, 6th Floor,
Old No.34, New No.123,
Marshalls Road, Egmore,
Chennai - 600 008
3. The District Collector ,
District Collector's Office,
Cuddalore District,
Cuddalore.
4. The District Revenue Officer,
Cuddalore, Cuddalore District.
5. The Revenue Divisional Officer,
Virudhachalam, Cuddalore District.
6. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Cuddalore, Cuddalore District.
7. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District.
8. Thillaikarasan

.. Respondents



Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the third respondent to take action against the 6th and 8th respondents on cutting the petitioner's optic fiber wire illegally and also further allow the petitioner to provide DAS Signal to his customers as per the Cable TV Regulation Act.

For Petitioner : Mr. B. Prasanna Vinoth

For Respondents : Mr. N. Ramesh for R1

Mr. Abdul Saleem for R2

Mr. G. Krishnaraja
Government Counsel for RR3 to 7

No appearance for R8

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the third respondent to take action against the 6th and 8th respondents who are cutting the petitioner's optic fiber wire illegally and also further allow the petitioner to provide DAS Signal to his customers as per the Cable TV Regulation Act.

2. The petitioner has obtained a licence from the second respondent and operating Cable TV Operating business. During the course of such business, the petitioner has borrowed Rs.5 lakhs from the eighth respondent and the licence obtained by the petitioner as a Local Cable TV Operator (LCO) was entrusted to the eighth respondent as a security for the loan availed by the petitioner. According to the petitioner, even though he had paid about Rs.15 lakhs to the eighth respondent, some of the original documents entrusted by the petitioner were not returned by the eighth respondent, inspite of demands made. The petitioner therefore given a complaint to the police officials against the eighth respondent. After giving such complaint, the petitioner came to know that by using the documents entrusted by the petitioner, the eighth respondent has applied for a Local Cable TV Operator (LCO) licence in his name by using the postal licence in the name of the petitioner. It is alleged by the petitioner that the sixth respondent, in collusion with the eighth respondent, resorted to cut the optic fiber network to prevent the petitioner from providing signal from his control



room to his customers. It is also alleged that the sixth and eighth respondents are preventing the petitioner from peacefully run his cable TV business only to ensure that they create monopoly in the Cable TV operation business. The petitioner therefore submitted a representation dated 29.01.2017 to the respondents 3 to 5 under the provisions of the Cable TV Regulation Act, however, no action has been taken thereof. The petitioner has therefore filed this writ petition for the relief stated supra.

3. Heard the learned counsel for the petitioner as well as the respective counsel for the respondents. The learned counsel appearing for the respondents is not in a position to state as to whether the representation dated 29.01.2017 of the petitioner has been acted upon and any order has been passed thereof.

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 29.01.2017 to the third 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 third respondent is directed to consider the representation dated 29.01.2017 of the petitioner, if not considered earlier, afford an opportunity of hearing to him, the eighth respondent and others concerned, and pass orders on merits and in accordance with law, within a period of six weeks thereafter.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of India
Ministry of Information and Broadcasting
"A" Wing, Shastri Bhavan
Dr. Rajendra Prasad Road
New Delhi - 110 001



2. The General Manager
M/s.Tamil Nadu Arasu Cable TV Corporation Limited
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3. The District Collector
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6. The Special Tahsildar
Tamil Nadu Arasu Cable TV Corporation Limited
Cuddalore
Cuddalore District

7. The Inspector of Police
Virudhachalam Police Station
Virudhachalam
Cuddalore District

+1cc to M/s.Abdul Saleem, Advocate, S.R.No.40498

+1cc to the Government Pleader, S.R.No.40766

WP No. 2817 of 2018

RGN(CO)
SU(21/09/2021)