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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.25176 of 2018

and

WMP.Nos.29256 & 29257 of 2018

- 1.R.Kannan
- 2.A.Jegatheesan
- 3.S.Arasakumar
- 4.C.Rajendran
- 5.T.Jayakumar
- 6.B.Assan Mohamed
- 7.A.Mumtaj

...Petitioners

..Vs..

- 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,
Represented by Managing Director,
"Dugar Towers", 6th Floor,
Old No.34, New No.123,
Marshalls Road,
Egmore, Chennai - 600 008.
- 3.The District Collector,
District Collector Office,
Ooty,
Nilgiri District.
- 4.The Assistant Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
Coonoor,
Nilgiri District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st and 3rd respondents to intervene and forbear the 2nd and 4th respondents from taking over the optic fiber line of the petitioners laid in Coonoor Taluk and Kothagiri Taluk at Nilgiri District based on the petitioners representation dated 07.09.2018.



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For Petitioners: Mr.Vinodh Raj
for Mr.B.Prasanna Vinoth
For R1 : Mr.K.Ramamoorthy
Central Government Standing Counsel
For R2 & R4 : Mr.Abdul Saleem
Standing Counsel
For R3 : Mr.M.Shahjahan
Special Government Pleader

O R D E R

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the 1st and 3rd respondents to intervene and forbear the 2nd and 4th respondents from taking over the optic fiber line of the petitioners laid in Coonoor Taluk and Kothagiri Taluk at Nilgiri District based on the petitioners representation dated 07.09.2018.

2. The case of the petitioners is that the petitioners are Local Cable TV operators (LCO) from the year 1989 onwards and they have been taking signals from the 2nd respondent. Now, the 2nd respondent has introduced new LCO in the existing LCO area to disturb the business of the petitioners.

3. Mr.Abdul Saleem, learned Standing Counsel appearing for the 2nd and 4th respondent/Tamil Nadu Arasu Cable TV Corporation (in short, 'TACTV') submitted that they are not intervening with the petitioners taking signals from the Tamil Nadu Arasu Cable TV Corporation. Further, the learned counsel for 4th respondent/TACTV have not taken over the Optic Fiber line of the petitioners laid in the Coonoor Taluk and Kothagiri Taluk at Nilgiri District, which had been laid for more than 75 kms. Further, he submitted that Tamil Nadu Arasu Cable TV Corporation cannot venture into all those misdeeds of illegal take over of petitioners' optic fiber line. Therefore, he submitted that the Writ Petition is liable to be dismissed.

4. Further, he submits that the petitioners have been retaining unused set top boxes and even though they are getting signals from the private MSO, still they are keeping the set top boxes of the 2nd respondent without any use and they are supposed to return the same.

5. In reply, the learned counsel appearing for the petitioner submits that the petitioners are ready to surrender the unused set top boxes.

6. In view of the above, the petitioners are directed to return all the unused set-up boxes to the 4th respondent. The statement made by the learned counsel for the 2nd and 4th respondent/TACTV are recorded to the extend that they have not been venturing into the act of taking over the optic fiber line of the petitioners as alleged in the petition. Hence, the



Writ Petition is liable to be dismissed and accordingly, this Court dismiss the Writ Petition. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mpl/jd

To

1. The Secretary,
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4. The Assistant Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
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Nilgiri District.

+lcc to the Government Pleader, S.R.No.66159

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JP-II (CO)
CT 15/02/2022