



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8913 of 2012

and

M.P. (MD) Nos.1 and 2 of 2012

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P.Maharajothi

...Petitioner

Vs.

1.The Senior Research Officer (B & CS),
Telecom Regulatory Authority of India,
Mahanagardoorsan-CHAR Bhavan,
Jawaharlal Nehru Marg,
(Old Minto Road),
New Delhi-110 002.

2.The District Collector,
Karur District,
Karur-639 007

3.The Superintendent of Police,
Karur District,
Karur-639 007

4.The Tashildar,
Karur Taluk,
Karur District.

5.The Special Tashildar,
Arasu Cable TV,
Karur District.

.... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to interfere with the petitioner's business and consequently, forbearing them from disconnecting the optic fiber cable wire laid by the petitioner.

For Petitioner

: Mr.B.Prasanna Vinoth

For Respondents

: Mr.M.Muniyasami

Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, forbearing the respondents not to interfere with the business of the petitioner or to disconnect the optic fiber cable



wire laid by the petitioner.

2.The case of the petitioner is that he is a Cable TV Operator. The grievance of the petitioner is that he started receiving threats from some of the antisocial elements and the optic fibre cable wire was also disconnected. The petitioner, therefore, was making complaints against them. In the meantime, the fourth respondent had come to the premises along with some officials and sealed the premises. The petitioner, therefore, gave a representation to the police on 23.06.2012. Since the same did not evoke any response, the petitioner approached this Court seeking for appropriate directions.

3.When the matter was taken up for hearing on 25.07.2012, this Court after taking into account the fact that the respondents 4 and 5 do not have the power or authority to seal the premises, directed for removal of the seal that was put up in the premises. Accordingly, the seal was removed and the petitioner continued to do his business.

4.Heard Mr.B.Prasanna Vinoth, learned counsel appearing on behalf of the petitioner and Mr.M.Muniyasami, learned Additional Government Pleader appearing for the respondents.

5.The main issue that has been raised in the present writ petition is with regard to the power and authority of the fourth respondent to seal the premises. The learned counsel for the petitioner submitted that the Cable TV Network (Regulation) Act 1995 does not authorise the fourth respondent to seal any property. Even otherwise, sealing a property would require a prior notice and opportunity being given to the occupier of the premises. The same has also not been followed in the present case and all of a sudden, the respondents 4 and 5 have gone ahead and sealed the premises.

6.It is brought to the notice of this Court that pursuant to the complaint given by the petitioner, disciplinary proceedings were also initiated against respondents 4 and 5 by the District Collector on the high handedness that was shown by these officers and challenging the same, the respondents 4 and 5 also filed writ petitions before this Court.

7.In the considered view of this Court, the respondents 4 and 5 are not vested with any power to seal any premises under the Cable TV Network (Regulation) Act 1995. They have acted beyond their power and jurisdiction and they are not the authorities, who are vested with any powers under the Act. The authorised officer under the Act is only the second respondent, who is the nodal officer and probably, the respondents 4 and 5 misused their office and proceeded to seal the property.

<https://hcservices.courts.gov.in/> 8.Balancing the facts and circumstances of the



case and in view of the above discussion, there shall be a direction to the respondents not to interfere with the business of the petitioner unless and otherwise by due process of law, after affording opportunity to the petitioner.

9. This writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

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 Senior Research Officer (B & CS),
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4. The Tashildar,
Karur Taluk, Karur District.

5. The Special Tashildar,
Arasu Cable TV,
Karur District.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-18151[F]
dated 30/04/2021)

+1 CC to M/s.SPL GP (SR-18303[F] dated 30/04/2021)

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29.04.2021

AS (08.06.2021) 3P 8C

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