



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.06.2021**

**CORAM :**

WEB COPY

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P. (MD) .No.9039 of 2021**

**and**

**W.M.P. (MD) .No.6802 of 2021**

B.Venkatesh

...Petitioner

**Vs.**

1. The Secretary,  
The Ministry for Information and Broadcasting,  
Government of India,  
2, Krishna Menon Marg, New Delhi-110 001.
2. The District Revenue Officer / Nodal Officer (Cable),  
Trichy District, Trichy.
3. The Assistant Manager / Special Tahsildar,  
Tamil Nadu Arasu Cable TV Corporation,  
Trichy District, Trichy.
4. M.Muthukrishnan ... Respondents

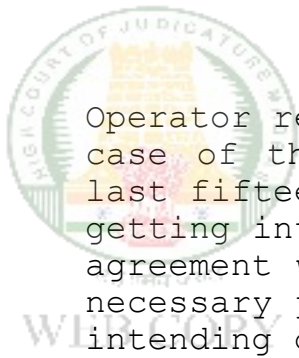
**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Mu.Mu.D.1/23880/2020, dated 21.04.2021, issued by the second respondent and quash the same and consequently direct the second respondent to take action against the third respondent for illegally restraining the petitioner from doing cable business providing STBs and Digital Signal to intending customers at M.P.S Colony and Bhuvanewar Nagar at Kumbakudi Panchayat, Trichy District.

For Petitioner : Mr.B.Prasanna Vinoth  
For R-1 to R-3 : Mr.M.Lingadurai  
Government Advocate

**ORDER**

The subject matter of challenge in the present Writ Petition is the impugned order passed by the second respondent, dated 21.04.2021 and for a consequential direction directing the second respondent to take action against the third respondent, who is said to be restraining the petitioner from doing cable business by providing STDs and Digital Signals to the intending customers.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The case of the petitioner is that he is a Cable TV



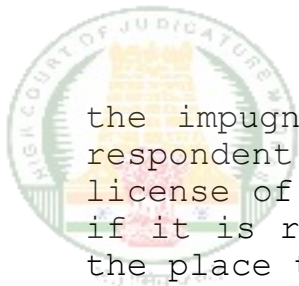
Operator registered under the Cable TV Regulation Act . The further case of the petitioner is that he is doing this business for the last fifteen years and in the year 2018, he expanded his business by getting into new areas. The petitioner, thereafter, entered into an agreement with TCCL MSO for getting digital signal and he also made necessary preparation and started distributing set top boxes to the intending customers.

3. It is alleged by the petitioner that the third respondent started pressurizing the petitioner to take signal only from Arasu Cable TV Corporation and the petitioner refused to do the same. As a result, the third respondent is said to have prevented the petitioner from providing the set top boxes and signal in the area. It is further alleged that the third and fourth respondents had also disconnected the optic fibre line laid by the petitioner illegally.

4. The petitioner made a representation in this regard to the second respondent on 14.10.2020 seeking for taking action against the third respondent and to ensure that the petitioner is permitted to conduct his business in the chosen area. Since the same was not considered, the petitioner approached this Court and filed W.P.(MD).No.15111 of 2020 and this Court directed the second respondent to consider the representation made by the petitioner and pass orders within a period of eight (08) weeks. Pursuant to the orders passed by this Court, the second respondent called the petitioner for enquiry and ultimately, the impugned proceedings, dated 21.04.2021, was issued. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. Heard Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

6. A careful reading of the impugned proceedings, dated 21.04.2021, issued by the second respondent, shows that the second respondent is assuming that the operation is permitted for the Cable TV Operators, only in a particular area and they cannot operate in any other area where there are other cable TV Operators. There is a basic misunderstanding on the part of the second respondent to have come to such a conclusion. There is absolutely no restriction for any number of operators to operate in any area and in fact, only, if such a competition is permitted, the customers will have a choice to choose between the operators. If the same is restricted, the customers will be forced to opt for only one operator in the area and it will virtually amount to monopolizing the entire business. Therefore, there is a basic fallacy in the impugned proceedings of the second respondent and in the absence of any such restriction under the Act or Rules, the second respondent cannot come up with a new restriction that is not backed by any law. It is also seen from



the impugned proceedings of the second respondent that the second respondent while concluding the proceedings has stated that the license of the petitioner is coming to an end on 19.01.2021 and even if it is renewed, the petitioner can conduct his operations only in the place that is allotted under the license.

**WEB COPY**

7. The learned counsel for the petitioner brought to the notice of this Court the renewal of the license issued by the senior postmaster and the registration certificate shows that the license period has been extended from 20.01.2021 to 19.01.2022 and the petitioner has been permitted to operate in the city / town of Trichirappalli for a period of twelve months. Therefore, by virtue of this license, the petitioner is entitled to conduct his business of cable TV operation anywhere at Trichirappalli without any restriction.

8. In view of the above, the impugned proceedings of the second respondent requires interference of this Court and accordingly, the same is hereby quashed. The petitioner is permitted to conduct his business of cable TV operation at Trichirappalli and if there is any interference from the third respondent, the same shall be intimated to the second respondent and the second respondent shall take action in accordance with law. Ultimately, the petitioner has to be permitted to do his business without any hindrance in accordance with the license issued to him.

9. This Writ Petition stands allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Secretary,  
The Ministry for Information and Broadcasting,  
Government of India,  
2, Krishna Menon Marg, New Delhi-110 001.
  2. The District Revenue Officer / Nodal Officer (Cable),  
Trichy District, Trichy.
  3. The Assistant Manager / Special Tahsildar,  
Tamil Nadu Arasu Cable TV Corporation,  
Trichy District, Trichy.
- +1 CC to M/s.B.PRASANA VINOTH, Advocate ( SR-20262[F] dated 25/06/2021 )
- +1 CC to M/s.SPL GP ( SR-20324[F] dated 25/06/2021 )

**Order made in**  
**W.P. (MD) .No.9039 of 2021**

**Dated:**

**24.06.2021**

CN (01.07.2021) 4P 6C