



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3595 of 2022

WEB COPY

JTV Cable Network Private Limited,
Franchisee to TCCL,
rep. by its Managing Director,
T.Raju,
S/o Thangasamy,
No.157/10, Kumaran Plaza,
Mathan Kovil Street,
Ettayapuram Curve Road,
Kovilpatti - 628 501,
Thoothukudi District.

.. Petitioner

Vs

1.The Chief General Manager,
BSNL Tamil Nadu Circle,
'A' Wing, New Administrative Building,
No.16, Greams Road, Thousand Lights,
Chennai - 600 006.

2.The General Manager,
BSNL Head Office,
Thoothukudi SSA,
W.G.C. Road,
Thoothukudi - 628 001.

3.The Divisional Engineer,
BSNL Office,
Kovilpatti, Thoothukudi District.

4.Selvakumar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the 3rd respondent for handing over the control room key of Nagalapuram BSNL Exchange to the 4th respondent and also for tampering of petitioner network signal by the 4th respondent, based on the representations of the petitioner, dated 16.02.2022 and 21.02.2022.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.D.Shanmugaraja Sethupathi
Standing Counsel for R1 to R3



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to take action against the third respondent for handing over the control room key of Nagalapuram BSNL Exchange to the fourth respondent and also for tampering the petitioner's network signal by the fourth respondent, based on the petitioner's representations dated 16.02.2022 and 21.02.2022 and pass final orders, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that they are a Telecom Infrastructure Provider and the fourth respondent is also a Telecom Infrastructure Provider. Both are operators operating in the very same area. The contention of the petitioner is that the third respondent has handed over the control room key of Nagalapuram BSNL Exchange to the fourth respondent and the fourth respondent by utilizing the control room key has tampered with the petitioner's network signal. The petitioner has given a representation to the first and second respondents on 16.02.2022 and 21.02.2022, calling upon them to take action against the third respondent for the alleged handing over the control room key of Nagalapuram BSNL Exchange to the fourth respondent. Since the representations have not been considered till date, they have filed this writ petition.

3.Heard Mr.B.Prasanna Vinoth, learned counsel for the petitioner and Mr.D.Shanmugaraja Sethupathi, learned Standing counsel, who accepts notice on behalf of the respondents 1 to 3.

4.The learned Standing Counsel on instructions would submit that the third respondent never handed over the control room key of Nagalapuram BSNL Exchange to the fourth respondent as alleged by the petitioner. According to him, the Exchange and the control room are under the control of BSNL even now. Both the petitioner as well as the fourth respondent, who are Telecom Infrastructure Providers will be given access by BSNL as and when they are required for the installation of fiber to home services. He would also submit that the petitioner had earlier filed a writ petition before this Court more or less raising the very same grounds, which came to be dismissed by order dated 06.10.2021, in W.P.(MD).No.1830 of 2021.

5.However, the same is disputed by the learned counsel for the petitioner, who submits that the relief sought for in that writ petition was totally different as the petitioner sought for a direction to the first and second respondents to cancel and discontinue the fourth respondent as a Telecom Infrastructure Provider, whereas in the present writ petition he has lodged a complaint against the third respondent for having handed over the control room key of Nagalapuram BSNL Exchange to the fourth



respondent, which is detrimental to its interest as the fourth respondent by having the control room key has tampered with the petitioner's network signal.

6.No prejudice will be caused to the respondents, if the petitioner's representations dated 16.02.2022 and 21.02.2022 are considered on merits and in accordance with law, after affording a fair hearing to the petitioner, third respondent and fourth respondent as only then the truth will come out.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representations dated 16.02.2022 and 21.02.2022, requesting the first and second respondents to take action against the third respondent for the alleged handing over of the control room key of Nagalapuram BSNL Exchange to the fourth respondent and also for tampering of petitioner's network signal by the fourth respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, third and fourth respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Chief General Manager,
BSNL Tamil Nadu Circle,
'A' Wing, New Administrative Building,
No.16, Greams Road, Thousand Lights,
Chennai - 600 006.

2.The General Manager,
BSNL Head Office,
Thoothukudi SSA,
W.G.C. Road, Thoothukudi - 628 001.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Divisional Engineer,
BSNL Office,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-8642[F] dated
25/02/2022)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-9163[F] dated
01/03/2022)

W.P. (MD)No.3595 of 2022
25.02.2022

_RD(11.03.2022) 4P 6C