



W.P(MD)No.27784 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27784 of 2022

JTV Cable Network Private Limited,
Franchisee to TCCL,
Rep. by its Managing Director,
T.Raju

... Petitioner

Vs.

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

2.The General Manager,
BSNL Head Office,
Thoothukudi SSA,
W.G.C.Road,
Thoothukudi 0- 628 001.

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

4.Selvakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents No.1



W.P(MD)No.27784 of 2022

and 2 to take action against the 4th respondent and concerned officials for theft and damage of BSNL Exchange Poles and also to take action against the erring officials who had supported the 4th respondent in the illegal act of damaging BSNL property, based on the representation of the petitioner dated 28.02.2022.

For Petitioner : Mr.B.Prasanna Vinoth

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

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents 1 to 3. Considering the nature of relief to be granted, issuance of notice to the fourth respondent is dispensed with.

2.The entire case of the writ petitioner is anchored on the communication of the Divisional Engineer, Kovilpatti to the local police. The said communication reads as follows:-

“With reference to your letter, the following details are furnished for your kind information please.



W.P(MD)No.27784 of 2022

The Junior Telecom Office, CFM, BSNL, Kalugumalai submitted that after receiving the JTV networks complaint against Mr.Selvakumar, Nagalapuram, he found 27 Nos of BSNL telephones posts were shifted by Mr.Selvakumar and utilized for our BSNL FTTH connections near Nagalapuram area. Hence, he gave a letter to Mr.Selvakumar at the time of our BSNL vigilance enquiry on 22.04.2022 and instructed him to shift the OFC line by erecting his own pipeline instead of utilizing BSNL telephone posts within a month. Mr.Selvakumar accepted to shift the ofc line within 6 months of time due to financial constraints. Now Mr.Selvakumar has started to shift OFC line from out telephone posts. The work is in progress and Mr.Selvakumar gave assurance to complete the remaining works within November 2022 end.”

The grievance of the petitioner is that as a result of the said action of the fourth respondent, the petitioner was put to considerable loss and hardship.

3.The writ prayer is two parts. I am not inclined to grant the second part of the writ prayer. This Court cannot direct the employer to take action against the so-called erring officials. This portion of the writ prayer is rejected. However, the second respondent is directed to take follow-up action against the fourth respondent based on the communication dated 29.09.2022 sent by the third respondent.



W.P(MD)No.27784 of 2022

G.R.SWAMINATHAN, J.

ias

4.The writ petition is disposed of accordingly. No costs.

23.12.2022

Index : Yes / No

Internet : Yes/ No

ias

W.P(MD)No.27784 of 2022

23.12.2022