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W.P. No.31125 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.31125 of 2019 and
W.M.P.No.31250 of 2019

G.Ramesh

... Petitioner

Vs.

1. The Secretary,
The Ministry for Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi – 110 001.
2. The Secretary,
Telecom Regularity Authority of India,
Jawaharlal Nehru Marg,
(Opp to Ramleela Maidhan),
New Delhi – 110 002.
3. The Nodal Officer / District Revenue Officer,
Ariyalur,
Ariyalur District.
4. The Chief Post Master General,
Office of the Post Master General,
Anna Road,
Chennai.
5. The Postal Superintendent,
Head post Office,
Trichy District.



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6. The Post Master,
Head Post Office,
Lalgudi Taluk,
Trichy District.

7. Backiaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st to 3rd respondents to initiate action against the 7th respondent for illegally transmitting Analogue Signal in Violation of Section 4A Cable TV Network Regulation Act and seize the equipments used by the 7th respondent for transmission of Analogue signal and consequently prosecute the 7th respondent under Cable Television Network Regulation Act, 1994, based on the representation of the petitioner dated 22.10.2019.

For Petitioner : Mr.B.Prasanna Vinoth

For R4 to R6 : Mr.P.R.Ramesh

For R7 : Mr.G.Pugazhenth

ORDER

This writ petition is filed seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 to initiate action against the 7th respondent for illegally transmitting Analogue Signal in Violation of Section 4A Cable TV Network Regulation Act and seize the equipments used by the 7th respondent for transmission of Analogue signal and consequently



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prosecute the 7th respondent under Cable Television Network Regulation Act, 1994, based on the representation of the petitioner dated 22.10.2019.

2. It is the case of the petitioner that he is a cable TV Operator and has also obtained postal license under Cable TV Regulation Act. It is further the case of the petitioner that alleging illegal transmission of the Analogue signal made by the seventh respondent in violation of Section 4A of Cable TV Regulation Act, the petitioner has made a representation dated 22.10.2019 before the respondents 1 to 3 to take action against the seventh respondent and to seize the equipments used by the seventh respondent for transmission of Analogue signal and consequently to prosecute the seventh respondent under the Cable Television Network Regulation Act, 1994. Since the same was not considered the present writ petition has been filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 to 3 to consider the petitioner's representation dated 22.10.2019 and pass appropriate orders within the time frame that may be fixed by this Court.



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4. Learned counsel appearing for the seventh respondent at the time of arguments submitted that the seventh respondent is not running a cable TV business as alleged by the petitioner. Since, the wife of the seventh respondent is holding the postal license as per the Cable TV Regulation Act, the petitioner filed a writ petition in W.P.No.14266 of 2020 seeking for quashment of said postal license which was issued in favour of the seventh respondent's wife, wherein this Court vide order dated 02.03.2021, dismissed the said writ petition. Hence, he prayed for dismissal of this petition.

5. On the above contentions heard learned counsel appearing for respondents 4 to 6 and perused the materials placed on record.

6. Admittedly, the petitioner is a cable TV operator, who filed the present writ petition seeking for a direction to the respondents 1 to 3 alleging the illegal transmission of the Analogue signal made by the seventh respondent in violation of Section 4A of Cable TV Regulation Act to take action against the seventh respondent on the basis of the representation dated 22.10.2019. Though the facts stand as such, in view of the submission made by the learned counsel appearing for the seventh respondent that the seventh respondent is not running cable TV business, as the wife of the seventh



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respondent is only holding a postal license as per the Cable TV Regulation Act, the petitioner during the pendency of the present writ petition has filed another writ petition in W.P.No.14266 of 2020 seeking for quashment of said postal license which was issued in favour of the seventh respondent's wife, wherein this Court vide order dated 02.03.2021, dismissed the said writ petition, which has not been countered by the petitioner. However, based on the ground that the seventh respondent is not running a cable TV business, the prayer sought for by the petitioner in the present writ petition is wholly misconceived. Hence, this Court is not inclined to grant any affirmative order in favour of the petitioner.

7. For the aforesaid reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2023

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Index : Yes / No

Speaking order : Yes / No

To

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Government of India,
2, Krishna Menon Marg,
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2. The Secretary,
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