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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.5778 of 2023

and

W.M.P.(MD)No.5360 of 2023

JTV Cable Network Private Limited,
Franchisee to TCCL,
represented by its Director,
T.Raju,
Thoothukudi District.

... Petitioner

vs.

1.The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Thoothukudi.

2.The Executive Engineer,
Distribution,
Tamil Nadu Generation and Distribution Corporation,
Kovilpatti.

3.The Executive Engineer,
Distribution/Rural,
Tamil Nadu Generation and Distribution Corporation,
Thoothukudi.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order of the second respondent in Ka.No.Se.Po/ViNi/Ko.Patti/Tho.Nu.Vu-2/Ko.Po.Ma.Manu/A.No:-759/23 dated 06.03.2023 and to quash the same.

For Petitioner :Mr.B.Prasanna Vinoth
For Respondents :Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed in the nature of a Certiorari questioning an order, dated 06.03.2023 of the second respondent/Executive Engineer, TANGEDCO at Kovilpatti and to quash the same.

2.Heard Mr.B.Prasanna Vinoth, learned Counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel for the respondents.

3.In the affidavit filed in support of this Writ Petition, it has been stated by the Writ Petitioner that the petitioner, a cable operator, had provided cable service in and around Kovilpatti, Kayatharu, Vilathiulam



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and Ettayapuram in Tuticorin District. The petitioner is also a telecom infrastructure provider appointed by the BSNL. It is stated that the petitioner had laid optic fibre network, through which, the signals of BSNL as well as TCCL digital signals are forwarded. The petitioner had laid the network in accordance with the notification of Ministry of Information of Broadcast. The petitioner claims that the petitioner has a right to lay network in public premises and to use public facility on payment of Rs.1000/- per kilometer.

4.It is stated that the second and third respondents had issued a string of notices in February 2023, where, the petitioner was directed to remove the optical fibre network carrying the BSNL (FTTH) signal and TCCL digital signals, since according to the respondents they were not safe.

5.This Court had placed a request that the responsible official of the petitioner may go over to the office of the second and third respondents and engage a discussion about the removal of the optic fiber line.



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6.It is stated that discussion was actually done and the petitioner had sought six months time to remove the optic fiber line. However, the respondents are prepared to give a time period of three months for such removal.

7.Taking into consideration the fact that the petitioner had put in efforts to lay optic fiber line in the first place and had done so lawfully and on the basis of the notification issued by the Ministry of Information of Broadcast for the public purpose, it would only be appropriate that the request of the petitioner is considered favourably and accordingly, a time of four months is granted to the petitioner herein to take necessary steps to remove the optic fiber line. This four months shall commence from 01.05.2023. No further orders are required.

8.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

10.04.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.5778 of 2023

10.04.2023