



W.P.(MD) No.7679 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7679 of 2020
and
W.M.P.(MD) No.7177 of 2020**

D.S.Syed Hussain

... 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 TV),
Sivagangai District,
Sivagangai.
- 3.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
34/123, 6th Floor,
Dukar Tower,
Marsal Salai,
Chennai 600 008.



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4.The Special Tahsildar/Assistant Manager,
Tamil Nadu Arasu Cable TV Corporation,
Sivagangai,
Sivagangai District.

5.The Commissioner,
Sivagangai Municipality.

6.The General Manager,
Bharat Sanchar Nigam Limited,
Sivagangai District.

*(R5 and R6 have been suo motu impleaded
by this Court vide order dated 15.09.2020
and 22.09.2020 respectively.)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to take action against the 4th respondent for tampering with the underground Cable Network laid by the petitioner's firm from Sivagangai to Paramakudi and also restrain them from caring Arasu Cable Signal in the optic fiber line of the petitioner's firm, based on the representation of the petitioner dated 17.03.2020.

For Petitioner	: Mr.B.Prasanna Vinoth
For R1	: Mr.S.Jeyasingh
	Senior Panel Counsel for Government of India
For R3	: Mr.David Sundar Singh
For R4	: Mr.Abdul Saleem



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ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 and 2 to take action against the fourth respondent for tampering with the underground Cable Network laid by the petitioner's firm from Sivagangai to Paramakudi and also restraining them from caring Arasu Cable Signal in the optic fiber line of the petitioner's firm, based on the representation of the petitioner dated 17.03.2020.

2.In the counter filed by the respondents 3 and 4, it has been stated as follows:-

“6. I submit that in so far as the averments contained in Paragraph 10 of the affidavit are concerned, it is clear that the Writ Petitioner has not even applied to the concerned local-body under Section 4(B) of the Act, for laying their Optical Fiber Cable. However, the Writ Petitioner is making bald allegations against this Respondent and against the 3rd Respondent. When the Writ Petitioner did not own any Optical Fiber Cable on the earth, it is highly unjust on the part of the Writ Petitioner to make allegations against this Respondent. In fact, this Respondent has an agreement with BSNL in Sivagangai District, for using its Optimal Fiber Cable for



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transmitting their signal to their LCO. Therefore, the allegations leveled against this Respondent is denied as false, frivolous and made only for the purpose of this Writ Petition.

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9. I respectfully submit that in so far as the averment relating to lodging of complaint to Respondents 1 to 3 are concerned, there is no fault on the part of this Respondent in transmitting their signals to their LCO's through BSNL Optical Fiber Cable and thus there is no need for the other Respondents to take any action against this Respondent. As submitted already, the 'Arasu Cable' is using BSNL Cable for transmitting their signal. The Writ Petition is aimed at to wreak vengeance against this Respondent on business enmity. As this 4th Respondent is providing lot of channels for lesser price of Rs.160/- to the public, the Writ Petitioner, who is a competitor in the field, filed the above Writ Petition out of jealous. There is absolutely no merit in this case."

3.In the light of the statements made in the counter, no further orders are required to be passed in the above writ petition.



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4.The Writ Petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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P.T.ASHA, J.

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