



WP(MD)No.1764 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.1764 of 2018

M.Gopal

.. Petitioner

v.

- 1.The Secretary,
TRAI,
Mahanagar Door Shanchar Bhawan,
Jawaharlal Nehur Marg,
Old Minto Road,
Near Dr.Zakir Husain College,
New Delhi-110 002.
- 2.The Secretary,
The Ministry of Information and Broadcasting,
No.116, A Wing, Shasthri Bawan,
New Delhi-110001.
- 3.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
123, Marshal Road,
Egmore,
Chennai-600 008.
- 4.The Deputy Manager/The Special Thasildhar,
Tamil Nadu Arasu Cable TV,



WP(MD)No.1764 of 2018

Vandikara Street, Taluk Office,
Ramanathapuram,
Ramanathapuram District-623 501.

5.The Thasildhar,
Kamuthi Taluk,
Paramakudi Ramanathapuram Road,
Ramanathapuram District-623 707.

6.The District Collector,
Pattinamkattan,
NH-49, Kochi Dhanushkodi Road,
Ramanathapuram-623 503.

7.The Superintendent of Police,
District Police Office,
Kadampa Nagar,
Ramanathapuram-623 503.

8.Jeyabarath

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, forbearing the respondents 3 to 7 through the respondent Nos.1 and 2 from taking any action of any kind against the petitioner who is having valid DAS License (Digital Addressable System) issued by the second respondent on 13.07.2015 to the petitioner as per the terms of the Regulations of the first respondent and in accordance with Cable Television Networks (Regulations) Act, 1995, by considering the representation of the petitioner dated 10.12.2017.



WEB COPY



WP(MD)No.1764 of 2018

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.N.S.Ponniah for R1
Ms.Annil Abinaya,
Standing Counsel for R3
Mr.J.K.Jeyaseelan,
Government Advocate
for R4, R7 and R9
Mr.B.Thanga Aravindh
Government Advocate
for R8 and R10
Mr.M.Thirunavukarasu
for R11

ORDER

This Writ Petition has been filed for a Mandamus, forbearing the respondents 3 to 7 from taking action against the petitioner who is having valid Digital Addressable System License issued by the second respondent on 13.07.2015, as per the Regulations issued by the first respondent and the Cable Television Networks (Regulations) Act, 1995, by considering his representation dated 10.12.2017.

2. The case of the petitioner is that the petitioner was a Local Cable TV Operator, prior to the formation of Tamil Nadu Arasu Cable TV Corporation.



WP(MD)No.1764 of 2018

Pursuant to the Regulations issued by the first respondent, the petitioner has obtained the Digital Addressable System License from the second respondent. While so, the respondents 3 to 8, who have no *locus standi*, are threatening the Cable TV Operators not to function under the valid Digital Addressable System License. Hence, the present Writ Petition has been filed.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner requests short time to proceed with the matter.

4. The learned Standing Counsel appearing for the respondents 3 and 4, by referring to the representation of the petitioner, dated 10.12.2017, submits that the contents in the said representation and the prayer sought for in this Writ Petition are contra. In the representation, the petitioner has made a request for Set Top Boxes and the prayer in this Writ Petition is for a direction to forbear the respondents 1 and 2 from taking action against him, since he is having valid DAS License issued by the second respondent on 13.07.2015.

5. By referring to the counter affidavit filed by the respondents 3 and 4, the learned Standing Counsel submits that the petitioner was originally appointed as



WP(MD)No.1764 of 2018

Local Cable Operator in Tamil Nadu Arasu Cable TV Corporation and later, was appointed as Taluk Cable Operator for Kamudhi, Kadalaad, Mudhukulathuri Area, Paramakudi Taluk and Ramanathapuram District. Pursuant to his appointment as Taluk Cable Operator, he indulged in unlawful activities of transmitting signal from DTH connections and mixing other cable signals with Arasu Cable TV signals. He has set up a digital control room and transmitted digital signal of private players to other persons. Therefore, his appointment was cancelled vide proceedings, dated 26.05.2017. Challenging the same, he has filed a writ petition in W.P(MD).No.10616 of 2017 before this Court and this Court, vide order, dated 30.10.2017, set aside the order passed by TACTV cancelling the appointment of the petitioner and remitted the matter back to TACTV for passing orders afresh. He has also filed another writ petition in W.P(MD).No.23734 of 2017 to consider his representation dated 03.10.2017 which was made for providing digital signals. This Court, vide order dated 21.12.2017, disposed of the said writ petition directing the respondents to consider the representation, dated 10.12.2017. Pursuant to the orders of this Court, enquiry was conducted and the petitioner participated in the enquiry. Considering the statements made by the petitioner, TCO license granted to the petitioner was cancelled by TACTV vide proceedings, dated 19.01.2018 and it was found that the petitioner has misrepresented before



this Court and obtained the order to consider his representation, dated 10.12.2017 and therefore, the said representation was rejected by TACTV vide proceedings, dated 16.05.2018. However, she fairly submits that TACTV will not interfere in the business of another DAS license holder and if the petitioner herein is aggrieved by the actions of TACTV, he has to approach the TDSAT, New Delhi, for redressal of his grievances, instead, he has approached this Writ Petition.

6. This Court considered the rival submissions made by both sides and perused the materials available on record.

7. The petitioner claims that he is a Local Cable TV Operator and pursuant to the Regulations issued by the first respondent and the direction of the second respondent declaring the deadline for digitalizing the Cable TV system, he has obtained the Digital Addressable System License from the second respondent on 13.07.2015, but the respondents are threatening the Cable TV Operators not to function under the Digital Addressable System License. However, in the counter affidavit filed by the respondents 3 and 4, certain allegations have been made against the petitioner in transmitting the signal from DTH connections and transmitting digital signals of private players to other persons. In the



WP(MD)No.1764 of 2018

representation, dated 10.12.2017 given by the petitioner, he has made a request for providing Digital Signal and the relief sought for in the present writ petition is to forbear the respondents from taking action against him by considering the representation dated 10.12.2017. The request made by the petitioner in the representation and the relief sought for in the present writ petition are totally different. Concealing the same, he is trying to get the order positively from this Court. The learned Standing Counsel appearing for the respondents, the Tamil Nadu Arasu Cable TV Corporation fairly submits that they will not interfere in the business of DAS license holder. Since the petitioner claims that he is having valid Digital Addressable System License, he cannot compel the Tamil Nadu Arasu Cable TV Corporation to provide digital signals to him. If the petitioner is having any grievance against the action of the respondents, he has to approach the Competent Authority for redressal of his grievance. Instead of approaching the Competent Authority, he has filed this Writ Petition for a direction to forbear the respondents from taking action against him. Hence, this Court is not inclined to grant the relief as sought for by the petitioner in this Writ Petition.



WP(MD)No.1764 of 2018

8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

15.11.2023

To

- 1.The Secretary,
TRAI,
Mahanagar Door Shanchar Bhawan,
Jawaharlal Nehru Marg,
Old Minto Road,
Near Dr.Zakir Husain College,
New Delhi-110 002.
- 2.The Secretary,
The Ministry of Information and Broadcasting,
No.116, A Wing, Shastri Bawan,
New Delhi-110001.
- 3.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
123, Marshal Road,
Egmore,
Chennai-600 008.
- 4.The Deputy Manager/The Special Thasildhar,
Tamil Nadu Arasu Cable TV,
Vandikara Street, Taluk Office,
Ramanathapuram,



WP(MD)No.1764 of 2018

Ramanathapuram District-623 501.

5.The Thasildhar,
Kamuthi Taluk,
Paramakudi Ramanathapuram Road,
Ramanathapuram District-623 707.

6.The District Collector,
Pattinamkattan,
NH-49, Kochi Dhanushkodi Road,
Ramanathapuram-623 503.

7.The Superintendent of Police,
District Police Office,
Kadampa Nagar,
Ramanathapuram-623 503.



WEB COPY



WP(MD)No.1764 of 2018

B.PUGALENDHI, J.

ssb

WP(MD)No.1764 of 2018

15.11.2023