



WP(MD)No.12291 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.12291 of 2018
and W.M.P(MD).Nos.11167 to 11169 of 2018

Mullai TV (PLC No.55977)

Through its Proprietor,

A.Valankumar

.. Petitioner

v.

1.The Government of India,
Through its Secretary,
Department of Ministry of Information and Broadcasting,
Shastri Bhavan, New Delhi.

2.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
34/123, Dugar Towers, 6th Floor,
Marshalls Road, Egmore,
Chennai.

3.The District Collector,
Pudukottai District,
Pudukottai.

4.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Pudukottai District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records relating to the impugned tender notification dated 16.05.2018 issued by the second respondent in Tender No.TACTV/Local Channels/2/2018 and quash the same insofar as Pudukottai District is concerned.

For Petitioner : Mr.K.N.Govardhanan

For Respondents : Mr.R.Arjuna Rajan
Central Government Standing Counsel for R1
Mr.Annil Abinaya
Standing Counsel for R2
Mr.J.K.Jeyaseelan
Government Advocate for R3 and R4

ORDER

This Writ Petition has been filed challenging the impugned Tender Notification dated 16.05.2018 issued by the second respondent, namely, the Managing Director of Tamil Nadu Arasu Cable TV Corporation Limited, inviting applications for allotment of Private Local Channels in the vacant places of Cable TV Service of Tamil Nadu Arasu Cable TV in hybrid mode all over Tamil Nadu (except Chennai).



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2. The learned counsel appearing for the petitioner submits that the petitioner is a Proprietor of a Private Local Channel and as per Section 4A of the Cable Television Networks (Regulation) Act, 1995, it is obligatory to transmit or retransmit the programmes of any channel in an encrypted manner through Digital Addressable System. While so, the second respondent, namely, the Managing Director of Tamil Nadu Arasu Cable TV Corporation Limited, has invited applications vide Notification dated 16.05.2018 for hybrid mode (Analog + Digital) Transmission, which is illegal and prohibited by the Ministry of Information and Broadcasting, Government of India. Therefore, the impugned Notification is liable to be quashed.

3. The learned Standing Counsel appearing for the respondents submits that the Tamil Nadu Arasu Cable TV Corporation had license for providing Cable TV service both in Digital and Analog mode (hybrid mode) at the relevant period. In digital transmission, the Private Local Channels are scrambling and the programmes can be viewed only through the Set Top Boxes and in Analog mode, they can be viewed earlier. During the relevant point of time, they were not equipped with Set Top Boxes, even though they are having sufficient infrastructure



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for digital and Analog mode. Therefore, the Tamil Nadu Arasu Cable TV Corporation have floated the Tender-cum-Auction for allotment of Private Local Channels in various locations across Tamil Nadu. She further submits that the Tamil Nadu Arasu Cable TV Corporation is now distributing its signals only through Digital mode of system.

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

5. The petitioner claims that as per Section 4A of the Cable Television Networks (Regulation) Act, 1995, the programmes of any channel should be transmitted or re-transmitted only through Digital Addressable System, but the impugned Notification has been issued by the second respondent calling for tender for hybrid mode (Analog + Digital) Transmission, which is illegal and prohibited by the Ministry of Information and Broadcasting, Government of India. However, the Tamil Nadu Arasu Cable TV Corporation has license for providing Cable TV service both in Digital and Analog mode (hybrid mode) at that relevant period. Even though the Tamil Nadu Arasu Cable TV Corporation has invited applications vide the impugned Notification, dated 16.05.2018 for allotment of private local



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channels in various locations, the Tamil Nadu Arasu Cable TV Corporation is now distributing its signals only through digital mode as contended by the learned Standing Counsel appearing for the respondents. Therefore, the grievance of the petitioner does not exist for consideration by this Court.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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

15.11.2023

To

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B.PUGALENDHI, J.

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