



W.P.(MD)No.3612 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3612 of 2016
and
W.M.P.(MD)No.3227 of 2016

Sampath

... Petitioner

versus

1. The Assistant Director General,
Department of Posts,
New Delhi.
2. The Post Master General,
Southern Region,
Madurai.
3. The Senior Post Master/Licensing Authority,
Head Post Office,
Tallakulam,
Madurai.
4. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Thugar Towers, 34(123), 6th Floor,
Marshal Road,
Elumbur, Chennai – 600 008.



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5. The District Collector / Authorized Officer,
Madurai District,
Madurai.

6. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Ellis Nagar,
Madurai,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records from the 3rd respondent and quash the proceedings in No.CCIII/Cable TV/digs/Tallakulam HO 625002 dated 28.01.2016 and consequently, direct the third respondent to renew petitioner's CTV License Registration No.H/CTV/309/TLM.

For Petitioner	: Mr.M.Pitchai Muthu
For R1 to R3	: Mr.S.Jeyasingh, Central Government Standing Counsel
For R4 and R6	: M/s.Annie Abinaya, Standing Counsel
For R5	: Mr.M.Sarangan, Additional Government Pleader

ORDER

This writ petition is filed challenging the proceedings of the third respondent dated 28.01.2016, in and by which, the third respondent has



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rejected the request of the petitioner for renewing his licence.

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2. The learned counsel appearing for the petitioner submits that the petitioner is the Local Cable Operator (LCO) in Melur, Madurai District. He obtained licence from the third respondent Postal Department and he was doing business with the fourth respondent Tamil Nadu Arasu Cable TV Corporation Ltd. He was granted licence for the period from 29.05.2012 to 28.05.2013. Thereafter, due to his ill-health, he failed to renew his licence. When he approached the third respondent and submitted his application for renewal of his licence, the third respondent, by order dated 28.01.2016, rejected the request of the petitioner. Aggrieved over the same, the present writ petition has been filed.

3. The learned Standing Counsel for the third respondent submits that the petitioner was granted licence for the period from 29.05.2012 to 28.05.2013. Thereafter, he failed to renew his licence. However, he



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has submitted the application for renewal of licence only in the year 2016. He further submits that licence should be renewed prior to the expiry of previous registration of one year and the application for renewal of licence should be filed well within a period of one year. Since the petitioner failed to do so, his request was rejected by the 3rd respondent.

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

5. Section 4 of the Cable Television Networks (Regulation) Act, 1995 provides for Registration as Cable Operator. The same is extracted as under:

“4. Registration as cable operator.—(1) Any person who is desirous of operating or is operating a cable television network may apply for registration or renewal of registration, as a cable operator to the registering authority.

(2) The cable operator shall fulfil such eligibility



criteria and conditions as may be prescribed and different eligibility criteria may be prescribed for different categories of cable operators.

(3) On and from the date of issue of notification under section 4A, no new registration in a State, city, town or area notified under that section shall be granted to any cable operator who does not undertake to transmit or re-transmit channels in an encrypted form through a digital addressable system.

(4) An application under sub-section (1) shall be made in such form and be accompanied by such documents and fees as may be prescribed.

(5) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information prescribed under sub-section (4) and on being so satisfied, register the applicant as a cable operator and grant him a certificate of registration or renew its registration, as the case may be, subject to such terms and conditions as may be prescribed under sub-section (6):

Provided that the registering authority may, if it is satisfied that the applicant does not fulfil the eligibility criteria and conditions prescribed under sub-section (2)



or the application is not accompanied by necessary documents or fees as prescribed under sub-section (4), and for reasons to be recorded in writing, by order, refuse to grant its registration or renewal, as the case may be, and communicate the same to the applicant:

Provided further that the applicant may prefer an appeal against the order of the registering authority refusing grant or renewal of registration to the Central Government.

(6) Without prejudice to the compliance of eligibility criteria for registration of cable operators, the Central Government may prescribe, having regard to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, foreign relation or contempt of court, defamation or incitement to an offence, such terms and conditions of registration including additional criteria or conditions to be fulfilled by the cable operator.

(7) The Central Government may suspend or revoke the registration granted under sub-section (5) if the cable operator violates one or more of the terms and conditions of such registration:



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Provided that no such order of suspension or revocation shall be made without giving reasonable opportunity of being heard to the cable operator.”

6. Rule 3 of the Cable Television Networks Rules, 1994, prescribes the condition for registration as a cable television network in India, which is extracted as under:

“3. Application for registration as a cable television network in India. - (1) Every application for registration as a cable television network in India shall be made in writing in Form I and shall be renewable after every twelve months.

(2) The application shall be addressed to the Registering Authority and delivered to his office in Form 1.

(3) (a) Every application for registration or renewal of registration shall be accompanied by – (i) a fee of rupees five hundred only; and (ii) the requisite documents mentioned in Form 1 and Form 2.

(b) Every application for issue of duplicate certificate of registration shall be accompanied by – (i) a



fee of rupees two hundred and fifty only; and (ii) the requisite documents mentioned in Form 1.

(4) The amount of fee shall be deposited in the Head Post Office where the application for registration or renewal of registration or issue of duplicate certificate of registration is being made.

(5) The amount of the fees shall be deposited under the Head ‘Un-Classified Receipts (U.C.R.)’.”

6. Admittedly, the petitioner is having all requisite qualifications as a Cable TV Operator and he has also been granted licence for the period from 29.05.2012 to 28.05.2013. As per Rule 3 of the Cable Television Networks Rules, 1994, the licence should be renewed every year. However, the petitioner has failed to renew his licence in time and therefore, the request of the petitioner has been rejected.

7. Considering that the petitioner is having eligibility to be a Cable Operator and he was already granted licence by the third respondent for the period from 29.05.2012 to 28.05.2013, this writ



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petition is disposed of with a direction to the petitioner to file a fresh application as required under Section 4 of the Cable Television Networks (Regulation) Act, 1995 in the prescribed Form, before the third respondent, within a period of two weeks from the date of receipt of a copy of this order. If any such application is filed, the third respondent shall consider the same within a period of 12 weeks from thereon. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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