



W.P.(MD)No.15088 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15088 of 2017

Saisiva @ Sivasubramanian

... Petitioner

versus

1. The District Collector,
Theni District.
2. The Superintendent of Police,
Theni District.
3. The Superintendent of Police,
Video Piracy Wing,
Chennai.
4. The Special Tahsildar,
The Tamil Nadu Arasu Cable TV,
15A, Forest Road, NRT Nagar,
Theni.
5. The Inspector of Police,
Video Piracy Wing,
Dindigul District.
6. Mr.Suresh,
The Inspector of Police,
Video Piracy Wing,
Dindigul District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 5th and 6th respondents not to harass the petitioner in conducting his cable TV business and further, direct the 3rd respondent to take appropriate action against the 6th respondent in pursuant to the online complaint of the petitioner dated 05.08.2017.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 : Mr.J.K.Jeyaseelan,
Government Advocate
For R2, R3 & R5 : Mr.B.Thanga Aravindh,
Government Advocate
For R4 : M/s.Annie Abinaya
Standing Counsel

ORDER

The petitioner claims that he is a Multi System Operator and he has been issued with a licence by the Ministry of Information and Broadcasting, New Delhi, on 02.12.2015, for operating as a Multi System Operator (MSO) in Digital Addressable System (DAS) under the Cable Television Networks Rules 2012. He has filed this writ petition in the year 2017 for a Mandamus directing the 5th and 6th respondents not to harass him in conducting his cable TV business and



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to direct the 3rd respondent to take appropriate action against the 6th respondent based on his on-line complaint dated 05.08.2017.

2. The learned counsel for the petitioner submits that the petitioner, being a Multi System Operator in Digital Addressable System, is free to operate in any part of the country as per TROY regulation. The petitioner has also entered into an agreement with broadcasters, like, Vijay TV, Star TV, Raj TV, Zee network etc. He further submits that the 4th respondent, apprehending that the petitioner may develop his business in Theni District, had interfered with the petitioner's business. In this regard, the petitioner has filed a suit in O.S.No.58 of 2011 before the District Munsif, Uthamapalayam and also obtained an order of temporary injunction. The petitioner has also filed an application before this Court in Crl.O.P.(MD)No.13446 of 2012 seeking police protection for his life and business. Now, on the instigation of the 4th respondent, the 5th respondent and 6th respondent have trespassed into his control room and assaulted the staff. Hence,



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the petitioner is before this Court.

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3. The learned Standing Counsel appearing for the 4th respondent submits that the petitioner was a Local Cable TV Operator (LCO) for sometime with the Tamil Nadu Arasu Cable TV Corporation Ltd. She further submits that the petitioner is having arrears of Rs.77 lakh towards subscription, for which, an action has been taken as against him by proceedings dated 29.07.2014, which was challenged in another writ petition in W.P.(MD)No.15401 of 2015. This Court, by order dated 26.09.2023, has disposed of the writ petition with liberty to the Tamil Nadu Arasu Cable TV Corporation Ltd. to issue notice to the petitioner for recovery of dues. Pursuant to the same, they are also taking necessary steps for the same.

4. This Court considered the rival submissions made.

5. The petitioner has made allegations as against the 5th and 6th



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respondents that they are harassing him. The petitioner claims that he is a Multi System Operator (MSO), at the same time, he has made transmissions through Tamil Nadu Arasu Cable TV Corporation Ltd. and he is having arrears of Rs.77 lakh to the Tamil Nadu Arasu Cable TV Corporation Ltd., for which, the Arasu Cable TV Corporation has already initiated action as against the petitioner by proceedings dated 29.07.2014.

6. The petitioner further claims that he has also entered into an agreement with broadcasters, like, Vijay TV, Star TV, Raj TV, Zee network etc. However, he has not produced any such agreement before this Court. In the absence of any document that the petitioner had an agreement with the broadcasters, this Court is not inclined to pass any further order in this writ petition. Accordingly, this writ petition is dismissed. No costs.

08.12.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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