



W.P(MD)No.20647 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20647 of 2019
and
W.M.P.(MD)No.17269 of 2019

A.Vanaraj

... Petitioner

versus

1. The Secretary,
The Ministry for Information and
Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi – 110 001.
2. The Nodal Officer/District Collector,
Theni,
Theni District.
3. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor,
Dukar Tower,
Marsal Salai,
Chennai – 600 008.



W.P(MD)No.20647 of 2019

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

5. Panthal Suresh

6. Eswaran @ Rajesh

7. Ramesh

8. Francis

9. Manoharan

10. Archunan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to initiate action against the 3rd to 10th respondents for illegally transmitting Analogue Signal in violation of Section 4A Cable TV Network Regulation Act and seize the equipments used by the 5th to 10th respondents for transmission of Analogue signal and consequently direct the 1st respondent to take action against the 3rd respondent for providing signal to LCO, who did not possess postal license, based on the representation of the petitioner dated 17.09.2019.

For Petitioner : Mr.B.Prasanna Vinoth



W.P(MD)No.20647 of 2019

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For R1 : No appearance
For R2 : Mr.A.Baskaran,
Additional Government Pleader
For R3 and R4 : Mrs.Annie Abinaya,
Standing Counsel
For R5 to R10 : No appearance

ORDER

This writ petition is filed for a Mandamus directing the respondents 1 and 2 to initiate action against the respondents 3 to 10 for illegally transmitting Analogue Signal in violation of Section 4A Cable TV Network Regulation Act 1995 and seize the equipments used by the respondents 5 to 10 for transmission of Analogue signal and for a further direction, directing the 1st respondent to take action against the 3rd respondent for providing signal to LCO, who did not possess postal license, based on the representation of the petitioner dated 17.09.2019.

2. The learned counsel appearing for the petitioner submits that the respondents 5 to 10, without obtaining postal licence, has



W.P(MD)No.20647 of 2019

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transmitted the signals through analogue mode and the 4th respondent/the Assistant Manager/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Ltd. has also recommended and provided LCO registration to respondents 5 to 10 along with analogue signal illegally. In this regard, the petitioner made a representation dated 17.09.2019 to the respondents 1 and 2 to take action against the respondents 3 and 4 for illegally providing analogue signal to the respondents 5 to 10. However, there was no response from the respondents. Hence, the present writ petition has been filed.

3. The learned counsel for the respondents 3 and 4 submits that the petitioner was registered as a LCO with 550 connections in the year 2011. According to her, the petitioner was having an arrears of Rs.3,73,918/-. She further submits that during digitization, the petitioner started promoting private MSO network, while continuing to be an LCO with TACTV. She further submits that the petitioner had also obtained two hundred digital set-top boxes and had



W.P(MD)No.20647 of 2019

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activated only six set-top boxes. The petitioner was also providing illegal analogue connection in Varusanadu area, which is in violation of the Cable TV Network Regulation Act, 1995. Therefore, they have recommended to the Revenue Divisional Officer, Theni to take action against the petitioner in the year 2019 itself. Now, the petitioner, with a false allegation that TACTV provided analogue signals to LCOs, who did not even possess postal licence, has filed this writ petition. She further submits that after obtaining DAS licence, TACTV is providing signal only through digital mode BSNL lines. The respondents 5 to 10 were allotted LCO licence only after verification of postal licenses and were providing digital signals only. She further submits that now, the respondents 5 to 10 are not LCOs with TACTV Corporation and they have migrated to private MSO networks.

4. This Court considered the rival submissions made.

5. The transmission of signals are made digitally from July



W.P(MD)No.20647 of 2019

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2017. The Tamil Nadu Arasu Cable TV also claims that signals are provided digitally and the respondents 5 to 10 are not LCOs of the Tamil Nadu Arasu Cable TV Corporation.

6. The grievance of the petitioner is that the respondents 5 to 10 are transmitting the signals through Analogue mode.

7. Considering the fact that now, the signals are provided digitally and the respondents 5 to 10 are not continuing as LCOs, nothing survives in this writ petition.

8. Accordingly, this writ petition is dismissed with liberty to the respondents 3 and 4 to recover the arrears of amount from the petitioner, if any. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

NCC: Yes/No
Index: Yes/No
Internet: Yes
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W.P(MD)No.20647 of 2019

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W.P(MD)No.20647 of 2019

B.PUGALENDHI, J.

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W.P(MD)No.20647 of 2019

05.03.2024