



WP(MD)No.21384 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.21384 of 2019

and

WMP (MD) Nos.18046 and 18050 of 2019

N.Jeyabalan

... Petitioner

Vs

- 1.The Secretary,
The Ministry for Information
and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi- 110 001.
- 2.The Chairman,
Telecom Regulatory Authority of India,
Jawaharlal Nehru Marg,
(Opp to Ramleela Maidhan),
New Delhi - 110 002.
- 3.The Secretary,
Telecom Regulatory Authority of India,
Jawaharlal Nehru Marg,
(Opp to Ramleela Maidhan),
New Delhi - 110 002.
- 4.The District Collector,
Madurai,
Madurai District.
- 5.The District Revenue Officer /
Nodal Officer,
Madurai, Madurai District.



WP(MD)No.21384 of 2019

6.The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.

7.The Special Tahsildar /
Assistant Manger,
Tamil Nadu Arasu Cable TV Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned notice dated 27.09.2019 in Na.Ka.5396/2019 issued by the 6th respondent to return the equipment seized from the petitioner illegally.

For Petitioner : Mr.V.Ilanchezian
For Respondent : Mr.G.Moovendran,
Nos.2 and 3 Central Govt Standing Counsel
For Respondent : Mr.R.Suresh Kumar,
Nos.4 to 6 Additional Govt.Pleader
For Respondent : Mrs.S.Devasena
No.7 Standing Counsel

ORDER

The impugned order in this writ petition is only a show cause notice calling upon this petitioner to offer his explanation to the allegations that this petitioner is distributing analog signals, which is



WP(MD)No.21384 of 2019

violative of Section 4(A) of the Cable Television Networks (Regulatory) Act.

2.The learned Counsel for the petitioner submits that the Revenue Divisional Officer has issued the show cause notice, who is not the competent authority and the competent authority to issue such the show cause is only the District Revenue Officer.

3.The learned Standing Counsel for the Corporation submits that the petitioner is a LCO under the Tamil Nadu Arasu Cable TV Corporation from the year 2013. He was having two LCO licenses viz.,license Nos.49475 and 49422 and he is having a due of Rs.1,94,258/- each for the licenses. During an inspection conducted by the Sub Divisional Magistrate, Usilampatti on the directions of the District Collector on 20.04.2019, it was found that the petitioner has transferred the signals through analog system without providing set top boxes and therefore action was initiated as against the petitioner.



WP(MD)No.21384 of 2019

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

5.The impugned order is only a show cause notice calling upon the petitioner to offer his explanation for the violations found during the inspection. The Hon'ble Supreme Court and this Court time and again reiterated that the Courts should not interfere at the stage of show cause as a routine, provided if it is without jurisdiction.

6.The learned Counsel for the petitioner raised a ground that the Revenue Divisional Officer is not the competent authority as per Section 11 of the Cable Television Networks (Regulation) Act, 1995.

7.Section 11 of the Cable Television Networks (Regulation) Act, 1995 is extracted hereunder:

***"11. Power to seize equipment used
for operating cable television network.--***

*If any authorised officer has reason to
believe that the provisions of section 3,*



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WP(MD)No.21384 of 2019

section 4A, section 5, section 6, section 8, section 9 or section 10 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network."

8.The above Section provides for any authorised officer can initiate action for any of the above mentioned violations. The Authorised Officer is defined under Section 2 of the Act, which is extracted hereunder:

"2.Definitions

In this Act, unless the context otherwise requires,--

[(a) "authorised officer" means, within his local limits of jurisdiction,--

- (i) a District Magistrate, or
- (ii) a Sub-divisional Magistrate, or
- (iii) a Commissioner of Police, and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer for such local



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WP(MD)No.21384 of 2019

limits of jurisdiction as may be determined by that Government]"

9. In view of the above provisions, this Court is not accepting the contention of the petitioner in respect of the competency of the Revenue Divisional Officer in issuing the impugned show cause notice.

10. In the result, this writ petition is dismissed with liberty to the petitioner to put forth his case before the authority concerned within a period of eight weeks from the date of receipt of a copy of this order and the Revenue Divisional Officer shall pass suitable orders on receipt of the explanation from the petitioner within a period of eight weeks therefrom. No costs. Consequently connected miscellaneous petitions are closed.

19.02.2024

Internet : Yes / No

DSK



WP(MD)No.21384 of 2019

To

WEB COPY

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WP(MD)No.21384 of 2019

B. PUGALENDHI , J .

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WP (MD) No .21384 of 2019

19.02.2024