



W.P.(MD).No.13046 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.13046 of 2025
and W.M.P.(MD)No.9295 of 2025

M.Radhakrishnan

... Petitioner

-VS-

1. The Secretary,
The Ministry For Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi - 110 001.
2. The Secretary,
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg (Old Minto Road),
New Delhi - 110 002
3. The District Collector/ Nodal Officer (Cable Tv),
Thoothukudi,
Thoothukud District.
4. The Special Tahsildar/ Manager,
Tamil Nadu Arasu Cable TV Corporation,
Thoothukudi District.
5. Rajalakshmi,
Special Tahsildar/ Manager,
Tamil Nadu Arasu Cable Tv Corporation,
Thoothukudi District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 and 2 to take action against the 4th and 5th respondents for illegally using defunct Aircel Optic Fiber Network Lines illegally for transmitting Tamil Nadu Arasu Cable TV Corporation Signal, which is laid from Kovilpatti to Vilathikulam, Vilathikulam to Nagalapuram, Kovilpatti to Pasuvanthanai and Pasuvanthanai to Thoothukudi, based on the representation of the petitioner dated 22.04.2025.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.C.Venkatesh Kumar,

Spl. Govt. Pleader [R3]

Ms.J.R.Annie Abinaya [R4 & R5]

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to take action against the 4th and 5th respondents for illegally using defunct Aircel Optic Fiber Network Lines illegally for transmitting Tamil Nadu Arasu Cable TV Corporation Signal, which is laid from Kovilpatti to Vilathikulam, Vilathikulam to Nagalapuram, Kovilpatti to Pasuvanthanai and Pasuvanthanai to Thoothukudi, based on the representation of the petitioner dated 22.04.2025.



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2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the respondents 1 and 2 is dispensed with.

3. The 4th and 5th respondents are transmitting Tamil Nadu Arasu Cable TV Corporation Signal by using defunct Aircel Optic Fiber Network Lines illegally. Hence, the petitioner made a representation dated 22.04.2025 to the respondents 1 and 2 to take action against the 4th and 5th respondents. Since the said representation was not considered, the petitioner has filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the respondents 1 and 2 to consider the petitioner's representation dated 22.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5, as well as all other persons, who may be necessary in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.04.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.13046 of 2025

Dated:
29.04.2025