

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.9198 of 2015 & MP.Nos.1&2/2015

P.Anbalagan

..

Petitioner

Versus

1. The Managing Director,
The Tamil Ndu Arasu Cable TV Corporation Ltd.,
11/22, Manghadu Samy Street,
Nungambakkam, Chennai 600 024

2. M.Venkatesan,
S/o.Murugan Gounder,
Mel Jamanar Village,
Jaman Putthur Post,
Vellore District.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari to call for the records of the Provisional Allotment order passed by the 1st respondent on 08.12.2014 (No.29/Vel/18603/DMI/2) TACTV/Local Operater/2014 in favour of the 2nd respondent in LCO No.47979 and quash the same.

For Petitioner : Ms.S.Shyamala

For Respondents: Mr.Abdul Saleem for R1

ORDER

Heard Ms.S.Shyamala, learned counsel appearing for the petitioner and Mr.Abdul Saleem, learned counsel accepting notice for the first respondent and with their consent, the writ petition itself is disposed of at the admission stage.

2.Since the writ petition is disposed of at the admission stage, notice to the 2nd respondent is dispensed with and the merits of the allegations made by the petitioner as against the 2nd respondent are not gone into by this Court and the same is left open to the official respondents to take note of the same.

3.The petitioner has filed this writ petition to quash the allotment order issued by the first respondent, the Tamil Nadu Arasu Cable TV Corporation Ltd., granting allotment in favour of the second respondent. The petitioner has two grievances against the second respondent. Firstly alleging that the second respondent has indulged in illegal and unlawful activities and disconnected the petitioners cables and thereby interfering in the petitioner's business operations. Further it is stated that the second respondent intimated and demanded Rs.10,00,000/-. In this regard, the petitioner has given complaint before the police authorities and the same has been taken on file and a case has been registered in Cr.No.573/2014 on the file of the Tirupattur Town Police Station for alleged offences under section 294, 323, 324 and 506[i] of IPC on 29.12.2014. The other grievance of the petitioner is that the second respondent is not entitled for the license to function as a Cable TV Operator since he has not produced the relevant records. Earlier, the petitioner approached this court and filed a writ petition in WP No.34877/2014, which was disposed by this court by order dated 09.01.2014 directing the first respondent therein to take into consideration the representation dated 15.12.2014 and conduct an enquiry into the matter. However, it appears that this order and direction has not been complied with till date. In the mean time, the petitioner has secured information from the Special Tahsildar, [Cable TV], Vellore District, stating that the second respondent has not produced the ration card and he has not submitted any application nor there is anything to show that he was carrying on any business. Armed with the reply given by the Tahsildar, [Cable TV], Vellore, the petitioner now seeks for the cancellation of the provisional allotment.

4.It is to be noted that the first respondent has granted the Allotment order pursuant to the license issued by the Postal Department. Therefore, if according to the petitioner, the second respondent is not entitled for a license on account of certain reasons, then the petitioner has to approach the Licensing Authority by way of appropriate representation. If such representation is given to the Licensing Authority, [competent authority of the Postal Department], the same shall be considered on merits and in accordance with law, after issuing notice to the petitioner and to the second respondent.

5.The writ petition is disposed of with the above observation.
No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP/dn

To

The Managing Director,
The Tamil Ndu Arasu Cable TV Corporation Ltd.,
11/22, Manghadu Samy Street,
Nungambakkam, Chennai 600 024

1 cc to Mr. Abdul Saleem, Advocate, Sr. 18540
1 cc to Ms.S. Shyamala, Advocate, Sr. 18071
1 cc to Government Pleader, Sr. 18392
1 cc to Government Pleader, Sr. 18385

WP.No.9198 of 2015

SKV (CO)
kk 8/4

सत्यमेव जयते

WEB COPY