

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4306 of 2016

and

WMP.Nos.3646, 3662 and 5058 of 2016

R.Elangovan

... Petitioner

Vs.

1.Tamil Nadu Arasu Cable TV Corporation Ltd
rep. by the Managing Director,
No.34/123, Dugar Towers, 6th Floor
Marshalls Road,
Egmore, chennai 600 008.

2.The District Deputy Manager-cum
Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation ltd,
Tiruvarur. ... Respondents

PRAYER : Writ petition filed under Article 226 of the
Constitution of India praying for the issuance of a writ of
Certiorari calling for the records pertaining to the impugned
order in Na.Ka.No.D9/19218/2014 dated 23.01.2016 on the file of
the first respondent served on the petitioner on 30.01.2016 and
quash the same.

For Petitioner : Mr.P.Wilson, SC
for Mr.R.Neelakandan

For Respondents: Mr.Abdul Saleem

ORDER

Challenging the order dated 23.01.2016 passed by the
first respondent, the petitioner has filed the present writ
petition.

2. It is the case of the petitioner that he is engaged
in the business of Cable Operation in Tiruvarur District under
the name and style of "Jai Anjaneya Cables", having control room
(Multi System Operator) at the premises bearing Door No.31,

Perumal Koil East Street, Tiruvarur. While so, he made an application to appoint him as District Cable Operator (DCO). Based on the same, the first respondent by his proceedings in Se.Mu.Order No.D5/19218/2014 dated 23.03.2015, appointed the petitioner as District Cable Operator for a period of one year. Pursuant to the same, the petitioner commenced the operation from 23.03.2015 and the lease is valid upto 23.03.2016.

3. It is the further case of the petitioner that 241 Local Cable operators are functioning under him in Tiruvarur District. As per the instructions given in the said lease, he has been operating promptly with utmost effort by insisting the Local Cable Operators, to increase the number of subscribers and to make them to pay the subscription fee through on-line and by monitoring, whether Local Cable Operators are providing the service with quality. In such circumstances, the first respondent issued a show cause notice dated 23.01.2016, thereby calling upon the petitioner to explain as to why the permit/lease granted to him shall not be cancelled for the alleged lapse of non-insisting the local cable operators to make payment of subscription amount adequately. When the petitioner was about to submit his explanation to the second respondent, he was informed about a decision already taken to terminate his permit/lease in order to accommodate one Madanagopal, who belongs to a ruling political party. Therefore, the petitioner has no other option except to approach this court with the present writ petition.

4. When the writ petition came up for admission on 04.02.2016, this Court granted an order of status quo till 08.02.2016, which was subsequently extended till 24.03.2016. Today, when the matter came up for consideration, learned counsel for the respondents opposed to extend the interim order already granted by this Court by stating that the lease granted to the petitioner got expired on 23.03.2016 itself and therefore, nothing survives in this writ petition.

5. In view of the submission so made by the learned counsel for the respondents, I am of the opinion that since the lease period had come to an end on 23.03.2016, the relief sought for in this writ petition has become infructuous and hence, the writ petition is liable to be dismissed.

6. At this juncture, the learned senior counsel appearing for the petitioner prayed for an opportunity to be given to the petitioner, so as to enable him to submit his explanation to the show cause notice dated 23.01.2016 issued by the first respondent.

7. Accordingly, the writ petition is disposed of, with liberty to the petitioner to submit his explanation to the show cause notice of the first respondent dated 23.01.2016. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. Managing Director, Tamil Nadu Arasu Cable TV Corporation Ltd
No.34/123, Dugar Towers, 6th Floor
Marshalls Road, Egmore,
Chennai 600 008.
- 2.The District Deputy Manager-cum Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Tiruvarur.

+1cc to M/S.Abdul Saleem, Advocate Sr.18809
+1cc to M/S.R.Neelakandan, Advocate Sr.18741

W.P.No.4306 of 2016

ppa (CO)
srg (10/05/2016)

सत्यमेव जयते

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