



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.2590, 15099, 13468, 12453, 2007 of 2015,
17646, 16629, 20194 of 2014,
18560, 16343, 16237 of 2016

and

M.P(MD)Nos.1&2, 1&2, 1 of 2015, 1&2, 1 and 1&2 of 2014

and

W.M.P(MD)Nos.13440 and 11950 of 2016

In W.P(MD)No.2590 of 2015

R.E.ARAVIND	...PETITIONER IN WP(MD)NO.2590/2015
S.KADARKARAI	... PETITIONER IN WP(MD)NO.15099/2015
M.KARUNAKARA PANDIAN	... PETITIONER IN WP(MD)NO.13468/2015
M. KARUNAKARA PANDIAN	... PETITIONER IN WP(MD)NO.12453/2015
R.MUTHU NAGU	...PETITIONER IN WP(MD)NO.2007/2015
K.MUTHUKUMAR	...PETITIONER IN WP(MD)NO.17646/2014
K.MUTHUKUMAR	...PETITIONER IN WP(MD)NO.16629/2014
C.IMMANUVEL PACKIARAJ	...PETITIONER IN WP(MD)NO.20194/2014
A.JAYA PRAKASH	... PETITIONER IN WP(MD)NO.18560/2016
MURUGESAN	... PETITIONER IN WP(MD)NO.16343/2016
S.TAMIZHAN	... PETITIONER IN WP(MD)NO.16237/2016

VS.

1.THE MANAGING DIRECTOR,
TAMIL NADU ARASU CABLE TV CORPORATION,
DUGAR TOWERS,
34/123, 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI 600 008.

2.THE SPECIAL TAHSILDAR,
TAMIL NADU ARASU CABLE TV CORPORATION,
15-A, FOREST ROAD, SIVAJI NAGAR, THENI 625 531.

3.M.SURENDRAN

... RESPONDENTS IN WP(MD)NO.2590/2015



1. THE MANAGING DIRECTOR
TAMILNADU ARASU CABLE TV CORPORATION LTD.
MARSHAL ROAD, EGMORE, CHENNAI.

2. THE SPECIAL TAHSILDAR,
TAMILNADU ARASU CABLE TV CORPORATION LTD.
DISTRICT COLLECTORATE, TIRUNELVELI DISTRICT.

3 PADMANABAN ... RESPONDENTS IN WP (MD) NO. 15099/2015

1. THE MANAGING DIRECTOR
TAMILNADU ARASU CABLE TV (TACTV) CORPORATION LTD.,
DURGA TOWERS, NO. 34 (123) 6TH FLOOR,
MARSHALLS ROAD, EGMORE, CHENNAI - 8.

2. THE DEPUTY MANAGER/SPECIAL TAHSILDAR,
TAMILNADU ARASU CABLE TV (TACTV)
POOMBUHUR VANIGA VALAGAM,
TIRUNELVELI TOWN & DISTRICT

3 A. MUTHUMEDAIMANI ... RESPONDENTS IN WP (MD) NO. 13468/2015

1. THE DEPUTY MANAGER /
SPECIAL TAHSILDAR, TAMILNADU ARASU CABLE TV (TACTV),
POOMBUHAR VANIGA VALAGAM,
TIRUNELVELI TOWN & DISTRICT.

2 A. MUTHUMEDAIMANI ... RESPONDENTS IN WP (MD) NO. 12453/2015

1. THE SUPERINTENDENT OF POLICE
THENI DISTRICT, THENI 625 531.

2 THE DEPUTY SUPERINTENDENT OF POLICE, BODINAICKANOOR,
THENI DISTRICT-625 582.

3 THE INSPECTOR OF POLICE
TALUK POLICE STATION, BODINAICKANOOR 625 582.

4 THE MANAGING DIRECTOR
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DUGAR TOWERS, 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI 600 008.



5. THE SPECIAL THASILDHAR

TAMILNADU ARASU CABLE TV CORPORATION, 15A, FOREST ROAD,
NRT NAGAR, MAIN ROAD, SIVAJI NAGAR, THENI 625 531.

6. THE REVENUE DIVISIONAL OFFICER

UTHAMAPALAYAM, THENI DISTRICT- 625 531.

7 KABALI PANDI @ PANDITHURAI ..RESPONDENTS IN WP (MD) NO.2007/2015

1. GENERAL MANAGER

TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DUGAR TOWERS, 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI 600 008.

2. DEPUTY COLLECTOR FOR COLLECTION,

TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DUGAR TOWERS, 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI 600 008.

3. MANAGING DIRECTOR

TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DUGAR TOWERS, 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI 600 008.

4. THE DEPUTY MANAGER/SPECIAL

THASILDHAR, TAMILNADU ARASU CABLE TV CORPORATION LTD.,
O/O. DISTRICT COLLECTORATE,
SIVAGANAI.

5 V. PAZHANIVELRAJAN

... RESPONDENTS IN WP (MD) NO.17646/2014

1. THE MANAGING DIRECTOR

GOVT. CABLE TV CORPORATION PRIVATE LTD.,
DHUKAR TOWER 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI - 8.

2. THE CHAIRMAN

GOVT. CABLE TV CORPORATION PRIVATE LTD.,
DHUKAR TOWER 34 (123) 6TH FLOOR, MARSHALLS ROAD, EGMORE,
CHENNAI - 8.

3 THE DISTRICT COLLECTOR

SIVAGANGAI DISTRICT

4 THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT



5 THE SPECIAL TAHSILDAR,
CABLE TV, SIVAGANGAI DISTRICT, OFFICE OF THE DISTRICT COLLECTOR.

6 THE HEAD POST-MASTER,
HEAD OFFICE, MANAMADURAI, SIVAGANGAI DIST.

7 PALANIVELRAJAN ... RESPONDENTS IN WP(MD)NO.16629/2014

1.THE CHAIRMAN
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
11/22, MANGADUSAMY STREET, NUNGAMPAKKAM
CHENNAI-34.

2.THE SPECIAL TASHILDAR
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
VIRUDHUNAGAR DISTRICT, DISTRICT COLLECTORATE,
VIRUDHUNAGAR.

3.ASHOK

4.T.VIJAYAKUMAR

5.D.VEERAMANI MOHAN ... RESPONDENTS IN WP(MD)NO.20194/2014

1.THE MANAGING DIRECTOR,
TAMIL NADU ARASU CABLE TV CORPORATION LTD.,
CHENNAI.

2.THE SPECIAL TAHSILDAR / MANAGER,
TAMIL NADU ARASU CABLE TV CORPORATION LTD., TRICHY.

3 PRAGALATHAN ... RESPONDENTS IN WP(MD)NO.18560/2016

1.THE MANAGING DIRECTOR
TAMIL NADU ARASU CABLE TV CORP. LTD.,
MARSHAL ROAD, EGMORE, CHENNAI.

2.THE SPECIAL TAHSILDAR,
TAMILNADU ARASU CABLE TV CORP. LTD.,
DISTRICT COLLECTORATE, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

3.JOHN DEVA ASIR ... RESPONDENTS IN WP(MD)NO.16343/2016

1.THE MANAGING DIRECTOR
TAMIL NADU ARASU CABLE TV CORPORATION LTD.,
DIGAR TOWERS, 6TH FLOOR, NO.123, MARSHAL ROAD, EGMORE,
CHENNAI 600 008



2.THE SPECIAL THASILDHAR

TAMIL NADU ARASU CABLE TV CORPORATION LTD.,
NO.15A, FOREST ROAD, SIVAJI NAGAR MAIN ROAD,
NRT NAGAR, THENI 625 531

3.S.MAMANRADHA

4.ARIVALAZHAHAN

... RESPONDENTS IN WP(MD)NO.16237/2016

Prayer in WP(MD)No.2590/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents 1 and 2 to confiscate the accessories used by the 3rd Respondent for his illegal piracy and to close the illegal control room put up by him in the area of operation of the Petitioner immediately.

Prayer in WP(MD)No.15099/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings number.D13/27001/2013 dated 10.04.2015 and quash the same as illegal and without jurisdiction.

Prayer in WP(MD)No.13468/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus for the records relating to the impugned order passed by the 1st respondent in his proceedings No.D13/26493/2014 dated 3.6.15 and quash the same and directing the 1st respondent not to issue any further Cable TV operating license in favour any other individuals or companies in respect of Melavayali and Keelavayali Village in Sankarankoil Taluk, Tirunelveli District.

Prayer in WP(MD)No.12453/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent not to issue any further Cable TV operating license in favour of the 2nd respondent or any other individuals or companies in respect of Melavayali and Keelavayali Village, Sankarankoil Taluk, Tirunelveli District.

Prayer in WP(MD)No.2007/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 6 to confiscate the accessories used by the 7th respondent to pirate the channels and to permanently close the illegal control room put up the 7th respondent and pass such other orders that this Honourable Court deems fit.

Prayer in WP(MD)No.17646/2014:

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent dated vide no.3247/DM5(1)/2014 dated 30.9.2014 in favour of the 5th respondent and cancel the impugned order vide No.no.3247/DM5(1)/2014 dated 30.9.2014 and 01.11.2014 and quash the same and pass such other orders.

Prayer in WP(MD)No.16629/2014:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st to 6th respondents to initiate legal action against the 7th respondent and consequently direct the respondent No. 1 to 6 to confiscate and seize all the devices used by the 7th respondent for his illegal cable television Network Service.

Prayer in WP(MD)No.20194/2014:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents 1 and 2 to take proper action against the Respondents 3 to 5 in view of the illegal intervention in the business of the petitioner .

Prayer in WP(MD)No.18560/2016:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the 1st and 2nd respondents to cancel the LCO Allotment granted to the 3rd respondent in LCO No.49788 for Dhayal Cables, Morai City, Thiruvilatchipatti Panchayat, Sempattu, Trichy based on the petitioners representation dated 06.08.2016.

Prayer in WP(MD)No.16343/2016:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the LCO 49590 of 3rd respondent to do cable TV business at Meerankulam Village, Sathankulam Taluk, Thoothukudi District by considering the petitioners representation dated 11.08.2016.



Prayer in WP (MD) No.16237/2016:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 not to enroll the 3 and 4 respondents in view of the irregularities and illegal activities of the 3rd and 4th Respondents either in their names or in the names of their benamis in the light of the letter dated 23.11.2015 of the respondent 1.

For Petitioners : M/s.A.Hafiza, Advocate in
WP(MD)No.17646 amd 16629 of 2014
WP(MD)No.2590 and 2007 of 2015 and
WP(MD)No.16237/2016

: M/s.S.R.Anbarasu, Advocate, in
WP(MD)No.15099/15 and
WP(MD)No.16343/2016

: M/s.S.MeenakshiSundaram, Advocate in
WP(MD)Nos.13468/15 and
WP(MD)No.12453/2015

: M/s.J.Saravanakumar, Advocate in
WP(MD)No.20194/14

: M/s.B.Prasanna Vinoth, Advocate in
WP(MD)No.18560/2016.

For Respondents
1 and 2 : Mr.Abdul Saleem for
Mrs.Sathishkumar,
Additional Government Pleader in
WP(MD)Nos.18560/16, WP(MD)No.20194/14, WP(MD)
No.2590/15 and WP(MD)No.16343/16, 16237/2016
WP(MD)Nos.15099/2015, WP(MD)No.13468/2015 and WP(MD)No.12453/2015

WP(MD)No.2007/2015(for 4th and 5th and 6th Respondents)
WP(MD)No.17646/14 (for Respondents 1 to 4)
WP(MD)No.16629/14(for Respondent 1,2 and 5)

For Respondents
(1 to 3) : Mr.J.Gunaseelan Muthiah,
Government Advocate in WP(MD)No.2007/2015



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For 3rd Respondent : Mr. Ananth C. Rajesh, Advocate in
WP (MD) No. 15099/2015

: Mr. M. Sathiamoorthy, Advocate in
WP (MD) No. 13468 and 12453/2015

: Mr. S. Gopalamanikandan, Advocate in
WP (MD) No. 18560/2016

: Mr. T. A. Ebenezer, Advocate in
WP (MD) No. 16343/2016

Mr. V. Karthikeyan, Government Advocate in
WP (MD) No. 2590/2015

For Respondent 3 and 4: Mr. N. S. Karthikeyan,
Additional Government Pleader in
WP (MD) No. 16629/2014

For Respondent Nos. 3, 4
and 5 : Mr. V. A. Samayavasu, Advocate in
WP (MD) No. 20194/2014

For 5th Respondent : Mr. M. Jegadeesh Pandyan, Advocate in
WP (MD) No. 17646/2014

For 6th Respondent : Mr. R. Murugappan,
Central Government Standing Counsel
(WP (MD) No. 16629/2014)

No Appearance for R3 and R4 in WP (MD) No. 16237/2016

ORDER

Since the issue involved in these writ petitions is common, they are taken up together and disposed of by this common order.

2. According to the petitioners, the petitioners claim to be the existing local cable operators (LCOs). While so, the respective authorities, without giving any notice to the petitioners, have passed the orders granting licence to the third parties and therefore, they are aggrieved persons. It is further submitted that in view of the appointment of new LCOs, the business of the petitioners have been very much affected. Challenging the same, the petitioners have filed the present writ petitions.

3. The respondents have filed a common counter affidavit stating that the writ petitions are not maintainable for the reason that the petitioners are rival businessmen, have no right to challenge the appointment of another cable operator by the



Tamil Nadu Arasu Cable TV Corporation Limited. It is stated that a local cable operator is appointed for an area only based on the subscribers attached to him and another local operator is not appointed for the same set of subscribers. It is further stated that if a new cable operator comes with a set of subscribers who are attached to the existing subscribers then an enquiry will be made and if it is found that the subscribers have chosen a new cable operator over the existing cable operator, then he is entitled to be appointed as local cable operator to provide efficient cable TV service to the customers within the rules and regulations and in accordance with law. In support of his submission, learned Standing Counsel relied on a decision of this Court reported in 2005 (1) CTC 394 (Nataraja Agencies Vs. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, New Delhi).

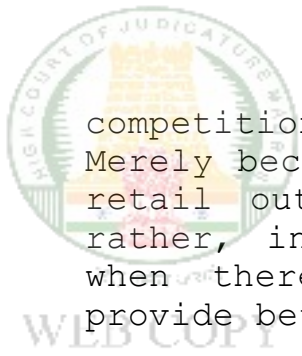
4. Heard the learned counsel appearing for the respective parties and perused the materials available on record.

5. Admittedly, local cable operator (LCO) is appointed only based on the subscribers attached to him and for the same set of subscribers, no new local cable operator will be appointed. It is settled principle that existing licensee has no locus standi to challenge the licence granted to another person on the ground that it would affect his business.

6. In similar circumstances, this Court in Nataraja Agencies's case (supra), has held as follows:-

"3. The Supreme Court in Mithilesh Garg v. Union of India reported in AIR 1992 SC 443, held that a rival businessman cannot file a writ petition, challenging the setting-up of a similar unit by another businessman, on the ground that establishing a rival business close to his business-place would adversely affect his business interest, even if the setting-up of the new unit is in violation of law. In Mithilesh case, cited supra, the Supreme Court followed its own decision in Rice and Flour Mills v. N.T. Gowda, wherein it was held that a rice mill-owner has no locus standi to challenge under Article 226, the setting up of a new rice-mill by another even if such setting up be in contravention of Section 8(3)(c) of the Rice Milling Industry (Regulation) Act, 1958 because no right vested in such an applicant is infringed.

4. In the present case, the only grievance of the appellant is that if the fourth respondent is permitted to set up her retail outlet within one kilometer radius of the appellant's outlet, his business interest would be adversely affected. In our opinion, the appellant has no locus standi at all to complain against the setting up of a rival retail outlet by the fourth respondent, near his place of business, on the ground that would affect his business interest, inasmuch as the damage, if any, suffered thereby was *damnum sine injuri*-a damage without infringement of legal right. In our opinion, this will only result in promoting



competition among the traders, which is good for the consumers. Merely because some of the customers may switch over to the rival retail outlet does not mean that public interest will suffer rather, in our opinion, it will benefit the consumers because, when there is competition, the businessmen are compelled to provide better quality products at reasonable rates.

7. In the light of above said legal position, the petitioners are not person aggrieved by the licence granted by the Arasu Cable TV Corporation and therefore, the petitioners cannot maintain these writ petitions. However, learned counsel appearing for the petitioners would submit that before granting licence to LCOs, an enquiry may be directed to be conducted to verify as to whether any overlapping in the subscribers.

8. In view of the said submission, the concerned District Collector is directed to conduct an enquiry and pass suitable orders on merits and in accordance with law.

9. So far as the contention of the petitioners that some third parties are interfering with their cable TV works by transmitting their signals by cutting and removing cables and therefore, action should be taken against such elements, is concerned, it is always open to the petitioners to approach the concerned police officials by way of complaint and on receipt of such complaints, the concerned police officials will look into their grievance.

10. The writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. THE MANAGING DIRECTOR,
TAMIL NADU ARASU CABLE TV CORPORATION LTD.,
6TH FLOOR, DUCKER TOWERS,
36/123, MARSHALS ROAD, EGMORE, CHENNAI 600 008.
2. THE CHAIRMAN,
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
11/22, MANGADUSAMY STREET, NUNGAMBAKKAM,
CHENNAI-34.
3. THE DEPUTY COLLECTOR FOR COLLECTION,
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DUGAR TOWERS, 34(123) 6TH FLOOR,
MARSHALLS ROAD, EGMORE, CHENNAI



4.THE GENERAL MANAGER (PLANNING AND PROJECTS)
TAMIL NADU ARASU CABLE TV CORPORATION LTD.,
OLD NO.34, NEW NO.123,
6TH FLOOR, DUCKKER TOWERS,
36/123, MARSHALS ROAD, EGMORE,
CHENNAI 600 008.

5.THE DISTRICT COLLECTOR, SIVAGANGAI DISTRICT, SIVAGANGAI

6.THE SUPERINTENDENT OF POLICE, THENI DISTRICT, THENI

7.THE SUPERINTENDENT OF POLICE, SIVAGANGAI DISTRICT,
SIVAGANGAI

8.THE SPECIAL TASHILDAR,
TAMIL NADU ARASU CABLE TV CORPORATION LIMITED,
DOOR NO-15A, FOREST ROAD,
SIVAJI NAGAR, THENI 625 531,
THENI DISTRICT.

9.THE SPECIAL TAHSILDAR, TAMILNADU ARASU CABLE TV
CORPORATION LTD., DISTRICT COLLECTORATE, TIRUNELVELI DISTRICT

10.THE DEPUTY MANAGER/SPECIAL TAHSILDAR,
TAMILNADU ARASU CABLE TV (TACTV)
POOMBUHAR VANIGA VALAGAM, TIRUNELVELI DISTRICT

11.THE DEPUTY SUPERINTENDENT OF POLICE,
BODINAICKANOOR, THENI

12.THE DEPUTY MANAGER/SPECIAL
THASILDHAR, TAMILNADU ARASU CABLE TV CORPORATION LTD.,
O/O. DISTRICT COLLECTORATE,
SIVAGANAI.

13.THE REVENUE DIVISIONAL OFFICE, UTHAMAPALAYAM, THENI

14.THE SPECIAL TAHSILDAR,
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DISTRICT COLLECTORATE, VIRUDHUNAGAR DISTRICT

15.THE SPECIAL TAHSILDAR/MANAGER,
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
TRICHY

16.THE SPECIAL TAHSILDAR,
<https://hcservices.ecourts.gov.in/hcservices/>
TAMILNADU ARASU CABLE TV CORPORATION LTD.,
DISTRICT COLLECTORATE, THOOTHUKUDI



17. THE INSPECTOR OF POLICE,
TALUK POLICE STATION, BODINAICKANOOR

18. THE HEAD POST MASTER,
HEAD OFFICE,
MANMADURAI , SIVAGANGAI DISTRICT

19. THE CHAIRMAN
TAMIL ARASU CABLE TV CORPORATION PRIVATE LTD.,
DHUKAR TOWER 34 (123) 6TH FLOOR, MARSHELS ROAD, EGMORE,
CHENNAI - 8.

+6ccs to M/s.A.Hafiza, Advocate, SR.Nos.69346,69354,69353,69351
and 69348

+One cc to Mr.V.Perumal, Advocate, SR.No.69024
+One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.68726
+2ccs to The Special Government Pleader, SR.Nos.68813,69315
+One cc to Mr.S.Gopalamanikandan, Advocate, SR.No.69532
+One cc to M/s.T.A.Ebener, Advocate, SR.No.68657

sms

RL/32C/4P/SS2/2.1.2017

Writ Petition (MD) No.2590, 15099,
13468, 12453, 2007 of 2015,
17646, 16629, 20194 of 2014,
18560, 16343, 16237 of 2016
14.11.2016