



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD).No.10192 of 2016

and

W.MP(MD). No.7962 of 2016

N.Pandiarajan

... Petitioner

Vs.

1.Tamilnadu Arasu Cable TV Corporation Limited,
rep. By its Managing Director,
Dugar Towers, 6th Floor,
Marshall Road, Egmore,
Chennai.

2.The General Manager,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
Marshall Road, Egmore,
Chennai.

3.The Deputy Collector,
Tamilnadu Arasu Cable TV Corporation Limited,
11/22, Mangadu Sami Street,
Nungambakkam,
Chennai-34.

4.The Deputy Manager,
Tamilnadu Arasu Cable TV Corporation Limited,
Theni District.

5.Murugan ... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to take appropriate action against the 5th respondent and to forbear him from doing all the illegal activities and illegal transmission of Arasu Cable TV in Gudalur, Uthamapalayam Taluk in Theni District, by considering the petitioner's representation dated 13.04.2016 within a time to be fixed by this Honourable Court.

For Petitioner :Mr.R.Suriya Narayanan

For Respondent :Mr.S.Sadeskumar

**ORDER**

Heard both sides.

2. To avoid an avoidable delay, notice to 5th respondent is dispensed with.

3. According to the petitioner, he is a registered Multi System Operator (MSO and LCO) under the first respondent/Corporation Limited and having his control over room at Door No.7, Ward No.8, Alagarsamy Kovil Street at Gudalur and running cable TV business, under the name and style of "Friends Cables" through getting periodical license from the Postmaster, Head Post Office, Bodinayakkanur.

4. It comes to be known that some of the local cable TV operators viz., Haridoss Cable TV, Maruthi Cable Vision and the 5th respondent herein propagated and advertised that they would give free cable TV connections for a meager sum of Rs.20/- and Rs.30/- and therefore, on 09.09.2012 and 27.12.2012, he made a representation to the respondents 1 & 2 to curb their illegal transmission along with the grievance of providing signals. However, there is no response. Hence, he filed W.P.(MD).No.8801 of 2014 before this Court and the same was allowed on 03.05.2014. In the meanwhile, the first respondent appointed a Taluk Cable Operator in Uthamapalayam Taluk and granting signals through him on and from 01.09.2015 and also agreed to receive signals from him etc.,

5. The real grievance of the petitioner is that the first respondent is the superior authority of Arasu Cable, having all the responsibility and liability by taking action against the illegal transmission of Arasu Cable, by an unregistered person like the fifth respondent through his subordinates. But even after receipt of his representation dated 13.04.2016, no action has been taken, to curb the illegal transmission made by the fifth respondent. Hence, the petitioner has filed the present writ petition.

6. In response, the Learned Additional Government Pleader appearing for R-1 to R-4 submits that according to the instructions received by him, there is no illegal transmission in general. As such, the relief sought for by the petitioner, is not maintainable before this Court.

7. It is to be noted that as on date, the representation of the petitioner dated 13.04.2016, addressed to the first respondent/Managing Director of the Tamil Nadu Arasu Cable TV Corporation Limited, is pending and the same is not yet disposed



of. In the said representation, the petitioner has sought for taking necessary action against the fifth respondent from doing all illegal activities and illegal transmission of Arasu Cable TV in Gudalur, Uthamapalayam District, Theni District.

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8. In view of the limited relief sought for by the petitioner in the present writ petition, viz., to consider his representation by the first respondent, at this stage, this Court, without delving deep into the merits of the matter and also the contents of the representation of the petitioner, dated 13.04.2016, simpliciter, directs the first respondent to look into the representation of the petitioner dated 13.04.2016 and to dispose of the same by passing a reasoned, speaking order, with an open, free and unbiased mind and that too in a dispassionate manner, (of-course, after providing necessary opportunity to the petitioner and others concerned including R-5, if any, by following the principles of natural Justice in true letter and spirit) within a period of 6 weeks from the date of receipt of a copy of this order. The petitioner is directed to lend his helping hand and assistance to the first respondent in regard to the disposal of the representation to be made by the first respondent.

9. With the aforesaid observation/direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor, Marshall Road, Egmore, Chennai.
2. The General Manager,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor, Marshall Road, Egmore, Chennai.
3. The Deputy Collector,
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4. The Deputy Manager,
Tamilnadu Arasu Cable TV Corporation Limited,
Theni District.

+1cc to Mr. R. Suriyanarayanan, Advocate Sr.No.29577

+1cc to Spl. Government Pleader Sr.No.29753

vs