



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD) No.13610 of 2017andW.M.P.(MD) No.10647 of 2017

S.Chinnadurai

... Petitioner

-vs-

- 1.The Managing Director
Tamil Nadu Arasu Cable TV Corporation,
Dugar Towers, 6th floor,
No.34 (1234) Marshalls Salai,
Egmore,
Chennai - 600 008.
- 2.The District Collector,
Office of the District Collector,
Theni District.
- 3.The Superintendent of Police,
Theni District,
Theni.
- 4.The Deputy Manager / Special Tahsildar
Tamil Nadu Government Cable TV Corporation,
Theni District.
- 5.The Head Post Master
Office of the Head Post Office,
NRT Nagar,
Allinagaram,
Theni District.

6.V.Lakshmanan

7.Nagarathinam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus forbearing the respondents 1 to 5 herein from in any manner granting any permission in favour of the 6th respondent to establish the Control Room with 1000 capacity at Unnamalaiyar Illam, N.R.T.Road, Power House Street, Theni.



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For Petitioner : Mr.B.Arun
For R1 & R4 : Mr.S.Gunasekaran
Standing Counsel
For R2 & R3 : Mr.G.Muthukannan
Govt. Advocate
For R5 : Mr.R.Nandakumar,
Central Govt. Standing Counsel
For R6 : Mr.K.Sudalaiyandi

O R D E R

This writ petition has been filed by the petitioner seeking for the issuance of a Writ of Mandamus forbearing the respondents 1 to 5 herein from in any manner granting any permission in favour of the 6th respondent to establish the Control Room with DCO capacity at Unnamalaiyar Illam, N.R.T.Road, Power House Street, Theni.

2. Mr.S.Gunasekaran, learned Standing Counsel takes notice for respondent Nos.1 & 4. Mr.G.Muthukannan, learned Govt. Advocate takes notice for the respondent Nos.2 and 3. Mr.R.Nandakumar, Central Govt. Standing Counsel takes notice for 5th respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. When the matter is taken up for hearing today, Mr.S.Gunasekaran, learned Standing Counsel appearing for the respondents 1 & 4 would submit that the respondents will maintain status quo as on today. The said submission is recorded.

4. The case of the petitioner is that he is one of the partners of a partnership firm as per the Deed of Partnership dated 23.10.2012 for cable TV Net Work in Theni consisting of 10 partners. Earlier the licence had been issued in the name of one of the partners and subsequently, it was decided among the partners to have the cable TV licence issued in the petitioner's name and the said deed was executed on 04.06.2014 and licence was given by first respondent to run the cable TV, after following due process. The said licence was valid for 11 months and it must be renewed before expiry. While so, the first respondent did not renew the licence thereafter. However, they were running the District Cable TV after payment of necessary charges and making deposit of premium from the customers. In view of the change in digital system signal in the Cable TV operation by the Central Government and its agencies, the petitioner made a representation to the first respondent dated 22.06.2017. But without considering the same, the first respondent issued a notice with false charges against which, the petitioner filed a writ petition, wherein this Court allowed the petitioner to continue the business and directed him to submit his explanation and accordingly, the



petitioner also submitted his explanation. But the first respondent without considering the same, granted permission to the 6th respondent to establish the Control without following the orders of this Court. The petitioner has once again made a representation dated 16.07.2017 to the respondents requesting them to consider his representation as per the direction of this Court dated 30.06.2017 made in W.P.(MD) No.12240 of 2017. Even thereafter, no action has been taken. Hence, the present writ petition has been filed for the relief as stated supra.

5. Though the petitioner has sought for the larger relief as above, the learned Counsel for the petitioner would submit that it would suffice, if the representation dated 16.07.2017 submitted by the petitioner be directed to be considered by the respondents 1 to 5.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, the respondent Nos.1 to 5 are directed to consider the representation of the petitioner dated 16.07.2017 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any of the interested parties within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondent Nos.1 and 4 are directed to maintain status quo as on today.

7. The writ petition is disposed of as above. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Cr1.Side)

/True Copy/

Sub Assistant Registrar.

To:

1.The Managing Director
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4.The Deputy Manager / Special Tahsildar
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5.The Head Post Master
Office of the Head Post Office,
NRT Nagar,
Allinagaram, Theni District.

+1CC to Mr.K.Vidya, Advocate, SR.No. 67178
+1CC to Mr.R.Nandakumar, Advocate, SR.No. 67455
+1CC to Mr.S.Gunasekaran, Advocate, SR.No. 67143
+1CC to Mr.K.Sudalaiyandi, Advocate, SR.No.67077

W.P. (MD) No.13610 of 2017
24.07.2017

rm/skn
AM/SKN RSK/SAR 3/25.07.2017/4P/10C