



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.15169 of 2017
and
W.M.P(MD)No.11981 of 2017

A.Tamilselvan,
Local Cable Operation (LCO 12104),
91, Thilagar Nagar, Kovilpatti - 628 502,
Thoothukudi District.

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Arasu Cable TV,
Dugar Towers,
34(123) 6th Floor, Marshalls Road,
Egmore, Chennai - 600 008.
2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Revenue Divisional Officer,
Thoothukudi District, Thoothukudi.
4. The Special Tahsildar,
Tamil Nadu Arasu Cable TV,
District Collectorate Office,
Thoothukudi.
5. S.Madasamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action against the fifth respondent for his running unauthorized Cable TV Operation namely 'Muthamil Cable TV' in Gandhi Nagar, Ward No.1, Kovilpatti Municipality, Thoothukudi District, by considering the representation of the petitioner, dated 25.07.2017.

For Petitioner	: Mr.R.Devaraj
For Respondent No.1	: Mr.S.Gunasekaran,
Standing Counsel for Tamil Nadu Arasu Cable TV.	
For Respondents 2 to 4	: Mr.A.Muthukaruppan,
	Additional Government Pleader.
	R5 - Dispensed with.

**ORDER**

This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 to 4 to take action against the fifth respondent for running unauthorized Cable TV Operation namely 'Muthamil Cable TV' in Gandhi Nagar, Ward No.1, Kovilpatti Municipality, Thoothukudi District, based on the petitioner's representation dated 25.07.2017.

2.Mr.S.Gunasekaran, learned Standing Counsel for Tamil Nadu Arasu Cable TV, takes notice for the first respondent. Mr.G.Muthukannan, learned Government Advocate, takes notice for the respondents 2 to 4. In view of the nature of the relief sought for by the petitioner, notice to the fifth respondent is dispensed with.

3.By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The petitioner is a Private Cable TV operator since 1992 and he has been taking signal from the first respondent. According to the petitioner, at the instigation of the fifth respondent, one Shankar filed a civil suit in Original Suit No.2 of 2017 before the District Munsif Court, Kovilpatti, for the reliefs of permanent and mandatory injunctions, against the petitioner and other authorities and the petitioner also filed written statement in the suit and since there is no interim order granted in the civil suit, the fifth respondent, on his own, started cable TV operation in the petitioner's area, using DTH illegally. It is the further grievance of the petitioner that the fifth respondent applied for Local Cable Operator Enrolment, to the first respondent on 13.07.2017, mentioning the subscribers of the petitioner, as consumers. Hence, the petitioner made a representation to the respondents 1 to 4 on 25.07.2017 and since the same was not considered by any of them, the petitioner is before this Court.

5.Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner dated 25.07.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



1. The Managing Director,
Tamil Nadu Arasu Cable TV,
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2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Revenue Divisional Officer,
Thoothukudi District, Thoothukudi.
4. The Special Tahsildar,
Tamil Nadu Arasu Cable TV,
District Collectorate Office,
Thoothukudi.

+ 1 CC TO Mr.R.DEVARAJ, ADVOCATE IN SR No. 72190
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72402

SMN

TE/MR-KKR/SAR-I : 23/08/2017 : 3P/7C

ORDER MADE IN
W.P(MD)No.15169 of 2017 and
W.M.P(MD)No.11981 of 2017
11.08.2017