

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8137 of 2018

K.Kandasamy

.. Petitioner

-vs-

1. The Tamil Nadu Arasu Cable TV Corporation Limited
rep by is General Manager
Dugar Towers No.34 (123) 6th Floor
Marshalls Road Egmore Chennai 600 008.

2. The Deputy Manager/Special Tahsildar
Tamil Nadu Arasu Cable TV Corporation Limited
Salem .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to grant LCO (Local Cable Operator) License Number
to the petitioner.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.S.Gunasekaran
Standing Counsel

ORDER

The petitioner is operating cable TV in the name of M/s Kavitha in Masinayakanpatti village, Valappady Taluk, Salem District from the year 1995 in respect of 55 service connections. After introduction of the Tamil Nadu Arasu Cable TV, it is stated that the respondents are insisting for obtaining the Local Cable Operator License number for running the cable TV. Accordingly, the petitioner applied to the first respondent on 21.12.2015 through the second respondent for the grant of Local Cable Operator License along with the requisite documents and a demand draft for a sum of Rs.1,000/- towards registration fee and another demand draft for a sum of Rs.3,000/- towards advance/caution deposit. On receipt of the said application, a recommendation was made by the second respondent to the first respondent on 24.8.2016. Thereafter, by proceedings dated 25.10.2016, the General Manager of the Tamil

Nadu Arasu Cable TV Corporation Limited also directed the second respondent to conduct an enquiry with regard to the complaint made by one Mr.N.Kandasami against the petitioner for grant of the Local Cable Operator License and submit a report. Pursuant thereto, the second respondent also held an enquiry on 21.1.2017 and forwarded his report to the first respondent on 17.4.2017 clearly recommending the application of the petitioner for the grant of Local Cable Operator License on payment of the arrears of Rs.18,700/- for the period from October, 2015 to February, 2017 for the 55 service connections held by the petitioner. Again the first respondent has directed the second respondent to submit a detailed report. But till date, no order has been passed. The learned counsel for the petitioner further submitted that when a sum of Rs.18,700/- has already been directed to be paid by the petitioner, on payment of the said amount, the respondents cannot deny the grant of Local Cable Operator License to the petitioner.

2. The learned standing counsel for the respondents submitted that since there has been an objection from one Mr.N.Kandasami against the petitioner for the grant of the Local Cable Operator License, the respondents are unable to entertain the request of the petitioner.

3. This Court is not able to find any merit in the contention made by the learned standing counsel for the respondents. The reason is that when the first respondent had already directed the second respondent to conduct an enquiry and submit his report and pursuant thereto, the second respondent has also conducted the enquiry on 21.1.2017 and forwarded his report to the first respondent on 17.4.2017 recommending the case of the petitioner, this Court finds no impediment to direct the respondents to grant the Local Cable Operator License to the petitioner. It is also to be seen that the complainant Mr.N.Kandasami, who is also a cable TV operator, is having 2500 service connections, whereas the petitioner is having only 55 service connections. Therefore, to have a healthy competition, the respondents are directed to grant the Local Cable Operator License to the petitioner on payment of the requisite fees or the arrears, if any, within a period of one week from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Deputy Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss

To

1. The General Manager
Tamil Nadu Arasu Cable TV
Corporation Limited
Dugar Towers
No.34 (123) 6th Floor
Marshalls Road
Egmore
Chennai 600 008
2. The Deputy Manager/Special Tahsildar
Tamil Nadu Arasu Cable TV Corporation Limited
Salem.

+1cc to Mr.N.Kolandaivelu, Advocate, S.R.No.25806

W.P.No.8137 of 2018

RRK(19/04/2018)



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