

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29939 of 2018

Krishnan Kutty,

...Petitioner

Vs.

1. The Managing Director,
Tamil nadu Arasu Cable TV
Corporation Ltd.,
Dugar Towers, 6th floor,
123, Marshal Road,
Egmore, Chennai - 600 008.

2. The District Collector,
Nilagiri District, Nilagiri.

3. The Deputy Manager/The Special Thasildhar,
Tamil Nadu Arasu Cable Tv,
New Collectorate Office Complex,
Ooty - 643 001,
Nilagiri District.

4. Balaji,

5. Bharathiyar,

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st and 3rd respondents not to provide signals to any other new person without providing digital signal to the petitioner on the basis of his representation dated 05.09.2018 and consequently directed to conduct public auction in Nilagiri Taluk in respect of DSD and TSD as per the order of this Hon'ble Court in W.P. (MD)Nos.20216 of 2015 & 15347 of 2016 dated 25.11.2016.

For Petitioner : Mr.A.Michael Jacob Dennyson

For RR1 & R3 : Mr.S. Gunasekaran

For RR2 : Mr.S.Sureshkumar
Government Advocate

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the 1st and 3rd respondents not to provide signals to any other new person without providing digital signal to the petitioner on the basis of his representation dated 05.09.2018 and consequently direct the respondents 1 and 3 to conduct public auction in Nilagiri Taluk in respect of DSD and TSD as per the order of this Hon'ble Court in W.P.(MD) Nos.20216 of 2015 & 15347 of 2016 dated 25.11.2016.

3. The case of the petitioner is that the petitioner is a local cable T.V. operator and he is carrying on business for the past 25 years, by possessing valid licence. It is further stated that the petitioner applied for renewal of licence and the same is yet to be renewed. It is also stated that pursuant to the declaration of Ministry of Information and Broadcasting, the cable T.V. operations are transformed into digital mode. It is further stated that the first and the third respondents did not call for any tender as per the direction of this Court in W.P.(MD) Nos.20216 of 2015 and 15347 of 2016 dated 25.11.2016. The fourth respondent claiming himself to be a Taluk Cable Operator, taking advantage of the same, attempts to grab the business of the petitioner and also disturbing all other small operators.

4. The main apprehension of the petitioner is that the respondents 1 and 3 are trying to provide the signals to some third parties, without providing digital signal to the petitioner.

5. Learned counsel appearing for respondents 1 and 3 submits that the signals will be provided only after calling for tender from qualified persons. It is also pointed out that the petitioner herein does not hold valid license as on date, as it is going to expire on 16.11.2018. It is also pointed out that the petitioner does not have digital set of box and he is having only analog set of box, which is not applicable. It is further stated that the signals will be given to the persons who are successful in the tender that may be called for and it is open to the petitioner also to take part in the tender subject to the terms and conditions.

6. Recording the said submission this Writ Petition stands disposed of. No costs.

pds/arr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
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Nilagiri District,
Nilagiri.
3. The Deputy Manager/The Special Thasildhar,
Tamil Nadu Arasu Cable Tv,
New Collectorate Office Complex,
Ooty - 643 001,
Nilagiri District.

+lcc to Mr.S.Gunasekaran, Advocate, S.R.No.78056
+lcc to Mr.A.Michael Jacob Dennyson, Advocate, S.R.No.77836
+lcc to the Government Pleader, S.R.No.79157

SR(CO)
kak(20/12/2018)

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