



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.17031 of 2019

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P.Kannan

... Petitioner

vs.

1) The Managing Director,
Tamil Nadu Arasu Cable TV
Corporation Limited,
"Durga Towers", 6th floor,
Old No.34, New no.123,
Marshalls Road, Egmore,
Chennai 600 008

2) The District Collector,
Tirunelveli,
Tirunelveli District.

3) The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
Tirunelveli,
Tirunelveli District.

4) Thirumalai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to issue 4 TACTV set-top boxes by considering the petitioner's representation dated 12.07.2019 within a time stipulated by this Court.

For Petitioner	: Mr.S.Pandiyaraj
For RR 1 & 3	: Mr.Gunasekaran
For R2	: Mr.C.M.Mari Chelliah Prabhu, Additional Government Pleader
For R4	: Mr.V.M.Jegadeesapandian

O R D E R

The prayer sought for in this writ petition is for a Mandamus directing the respondents to issue 4 TACTV set-top boxes by considering the petitioner's representation dated 12.07.2019 within a time stipulated by this Court.

2. Heard Mr.S.Pandiyaraj, learned counsel for the petitioner,
Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader
<https://hcservices.ecourts.gov.in/hcservices/>



appearing for the second respondent, Mr.Gunasekaran, learned counsel appearing for the respondents 1 and 3 and Mr.V.M.Jegadeesapandian, learned counsel appearing for the fourth respondent.

3. The petitioner herein is a consumer and he applied for the supply of set-top box to the third respondent through the fourth respondent and since the fourth respondent is a Local Cable Operator (L.C.O.), he has to provide the set-top box. Since he has refused to provide the same, the petitioner has approached this Court with the aforesaid prayer.

4. The learned counsel appearing for the petitioner would submit that, despite the petitioner has approached the fourth respondent and also ready to pay the charges payable to towards the set-top box, he had refused to give the set-top box for having the connection of Arasu Cable TV Corporation and the reason for such refusal, according to the learned counsel for the petitioner is that, the fourth respondent insisted the petitioner to subscribe for some other cable TV network (i.e.) SCV. Such a demand by the fourth respondent is unlawful. Therefore, the Mandamus as such sought for has to be granted.

5. I have heard the learned counsel appearing for first and third respondents, who would submit that since the fourth respondent is a L.C.O. already being appointed and if at all any consumer wants the set-top box, they should approach only the L.C.O. and once the L.C.O. is approached by the consumer and makes payment for getting set -top box of Arasu Cable TV Corporation or any other cable network, it is for the fourth respondent to provide the same according to the choice of the consumer.

6. In this regard, it is the stand of the third respondent that since he is the officer in charge of the Tamil Nadu Arasu Cable TV Corporation in that area, he is ready and willing to provide set-top box to the petitioner being the consumer. However, as per the contract between the third and fourth respondent, the same has to be distributed only through the fourth respondent being an L.C.O.

7. The learned Additional Government Pleader appearing for the second respondent submitted that the issue raised in the Writ petition is very innocuous in nature, as the petitioner is admittedly a consumer and when he is ready and willing to make the payment to get the set-top box, which is supposed to be provided by the respondent, especially the third respondent, through the fourth respondent and the third respondent is ready and willing to provide the same and therefore, the fourth respondent cannot refuse the request of the petitioner and as alleged by the petitioner, the fourth respondent cannot insist upon the petitioner to subscribe a particular cable network set-top box, as the choice of subscribing a particular cable network is in the hands of the petitioner.



8. In that view of the matter, this Court is inclined to dispose of the writ petition with the following direction:

"that the third respondent is hereby directed to ensure that the fourth respondent provides the petitioner with the set-top box as requested by the petitioner, against the payment fixed in this regard and in this context, if the fourth respondent is not cooperating with the third respondent, the third respondent can directly issue the set-top box to the petitioner and collect the charges directly from the petitioner and also, it is open to the third respondent to take any disciplinary action against the fourth respondent, in case of non-compliance of the instruction to that effect to be given by the third respondent pursuant to the order of this Court."

9. The needful as indicated above shall be undertaken by the third and fourth respondent within a period of one(01) week from the date of receipt of a copy of this order. With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Sts

To

- 1) The Managing Director,
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+1 CC to Mr.S.PANDIYARAJ, Advocate (SR-80803[F] dated 08/08/2019)
+1 CC to Mr.S.GUNASEKARAN, Advocate (SR-80854[F] dated 09/08/2019)
+1 CC to SPL GP (SR-81247[F] dated 09/08/2019)

Order made in

W.P. (MD) No.17031 of 2019

Dated:08.08.2019

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MK (20.12.2019) 4P 7C