



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.21045 of 2019
and
WMP (MD)Nos.17644 & 17645 of 2019

R.Selvam

... Petitioner

Vs.

1. Tamil Nadu Arasu Cable TV Corporation Ltd.,
rep.by its Managing Director,
Dugar Towers, 34 (123), 6th floor,
Marshalls Road,
Egmore,
Chennai - 600 008.
2. Tamil Nadu Arasu Cable TV Corporation Ltd.,
rep.by its General Manager (Administration),
Dugar Towers, 34 (123), 6th floor,
Marshalls Road,
Egmore,
Chennai - 600 008.
3. The Deputy Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Ramantahapuram District.

4. A.Ramar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent signed by the 2nd respondent in Se.Mu.Order No.6624/TACTV-4/2018 dated 14-08-2019 and quash the same as it is arbitrary and illegal and consequently direct the 1st respondent to appoint the petitioner as Digital Signal Distributor (DSD) in Kamudhi and Kadaladi Taluk in Ramanathapuram District for one year.

For Petitioner : Mr.R.Suriya Narayanan

For R1 to R3 : Mr.S.Gunasekaran

For R4 : Mr.P.M.Vishnuvarthanan



ORDER

The first respondent issued a tender notification, calling for applications from the eligible Digital Signal Distributors for telecasting the first respondent cable TV. The third respondent during first inspection, has recommended the case of the petitioner. It appears that on 13.08.2019, once again an inspection was done by the third respondent in the fourth respondent premises and he recommended his case also. Thereafter, the first respondent appointed the fourth respondent for Taluk area, consisting of Abiramam and Muthukulathur in Kadaladi Taluk. Aggrieved over the same, the petitioner is before this Court.

2.The learned counsel appearing for the petitioner would contend that when applications were called for pursuant to tender notification, they should be evaluated and appointment should be made for the notified areas. Without appointing the petitioner who is fully qualified, appointment of the fourth respondent to the said areas is illegal and contrary to the well settled principles of law.

3.The first respondent in his counter affidavit would state that the application of the fourth respondent was considered only for certain areas in Kadaladi Taluk viz., Abiramam and Muthukulathur, where he has set up the digital set top box and has large number of customers in that area. In so far as the petitioner is concerned, his temporary license of Digital Signal Distributor for Kamuthi area continues till now.

4.It is seen that, till date, as per the tender notification issued by the first respondent dated 05.02.2019, Digital Signal Distributor for Kamuthi and Kadaladi has not been appointed and only temporary arrangements are going on. Therefore, the first respondent has to pass orders appointing its operators as per the tender notification dated 05.02.2019. Till such time, no cause of action arises for either of the parties, who agitate the same.

5.Considering the factual circumstances, a direction is given to the first respondent to pass clear cut order as to the result of the tender notification dated 05.02.2019 and define who is appointed for Kamuthi and Kadaladi areas as Digital Signal Distributor. After that, the aggrieved parties can approach this Court.

6.The writ petition is disposed of. No costs. Consequently, WMP(MD) Nos.17644 & 17645 of 2019 are closed.

Sd/-

Assistant Registrar (CS-II)

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+1 CC to MR.S.GUNASEKARAN, Advocate (SR-94977[F] dated 30/10/2019)
+1 CC to MR.R.SURIYANARAYANAN, Advocate (SR-95034[F] dated
31/10/2019)
+1 CC to M/s.A.HAFIZA, Advocate (SR-95055[F] dated 31/10/2019)

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W.P. (MD) No.21045 of 2019
30.10.2019

MJ
MK (13.11.2019) 3P 4C