

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.4080 & 4926 of 2016
and WMP Nos.4272, 4273 & 4274, 3416 & 3417 of 2016

WP No.4080 of 2016

V.Murugan

.... Petitioner

Vs

1 Tamilnadu Arasu Cable TV
Corporation Limited,
rep.by its Managing Director,
Dugar Towers, No.34/123,
6th Floor, Marshalls Road,
Egmore, Chennai-8.

2 Special Tahsildar/Deputy Manager,
Tamilnadu Arasu Cable TV
Corporation Limited,
Collectorate, Salem.

3 Senior Post Master,
Salem Head Post Office,
Salem-636 001.

4 K.Srinivasan

5 K. Jaya Shankar @ Shankar

.... Respondents

[Cause title amended as per order Dt.14.3.16 by RPSJ in WMP. 6134/16
in WP.4080/2016]

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein i) to consider the applications dated 21.12.2014 and 10.12.2015 of the petitioner herein for registration as Local Cable Operator (LCO) at Karumanthurai Village Attur Taluk and allot LCO number and ii) to direct the respondents 1 2 and 3 herein to take action against the 4th and 5th respondents herein for operating a Cable Net Work in Karumanthurai Village or in any other nearby area without due registration as required under law to operate Arasu Cable TV or any other Cable TV New Work through a Control room.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.Abdul Saleem (for R1 & R2)
Mr.J.Madanagopal Rao (for R3)
Sr. Central Govt. Standing Counsel
Mr.B.Kumarasamy (for R4)
Sr. Counsel
No such addressee (for R5)

WP No.4926 of 2016

V.Murugan

.... Petitioner

Vs

- 1 Tamilnadu Arasu Cable TV Corporation Limited,
rep.by its Managing Director,
Dugar Towers, No.34/123,
6th Floor, Marshalls Road,
Egmore, Chennai-8.
- 2 Special Tahsildar/Deputy Manager,
Tamilnadu Arasu Cable TV Corporation Limited,
Collectorate, Salem.

- 3 Senior Post Master,
Salem Head Post Office,
Salem-636 001.
- 4 M.Kadharkhan,
Salem Cable Network,
No.9, Vellimaalai Main Road,
Karumandurai Village,
Pethanayakanpalayam Taluk,
Salem District.

.... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, for the entire records on the file of the 1st respondent herein relating to the enrollment of the 4th respondent herein with Enrolment NO. 49826 to operate as a Local Cable Operator (LCO) in Karumanthurai Village Pethanakkenpalayam Taluk and quash the same and consequently direct the respondents herein not to interfere with the Cable TV Net Work of the petitioner herein already in operation in Karumanthurai Village Pethanakkenpalayam Taluk.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.Abdul Saleem (for R1 & R2)
Mr.J.Madanagopal Rao (for R3)
Sr. Central Govt. Standing Counsel
No such addressee (for R4)

COMMON ORDER

The petitioner in the first writ petition viz., WP No.4080 of 2016, seeks direction to consider his applications dated 21.12.2014 and 10.12.2015 for registration as Local Cable Operator (LCO) at Karumanthurai Village Attur Taluk and allot LCO number. Further, he

prays for a direction to the respondents 1 to 3 to take action against the 4th and 5th respondents herein for operating a Cable Net Work in Karumanthurai Village or in any other nearby area without due registration as required under law to operate Arasu Cable TV or any other Cable TV New Work through a Control room.

2. In the second writ petition viz., WP No.4926 of 2016, the petitioner seeks to quash the enrollment of the 4th respondent with Enrolment No. 49826 to operate as a Local Cable Operator (LCO) in Karumanthurai Village Pethanakkenpalayam Taluk and further to direct the respondents not to interfere with the Cable TV Net Work of the petitioner herein already in operation in Karumanthurai Village Pethanakkenpalayam Taluk.

3. The learned counsel for the 4th respondent in WP No.4080 of 2016, brought to the notice of this Court that their registration came to an end and the 4th respondent is now not operating the Arasu Cable TV. Further, the learned counsel for the respondents 1 and 2, made a submission that on account of digitalization of cable operating system, the application submitted by the petitioner in the year 2015-15 cannot be

considered and if at all the petitioner is willing to get registration, he has to submit a fresh application in the prescribed format.

4. On account of efflux of time, the issues raised lost its relevance.

The 4th respondent is also not operating on account of the digitalization of the cable TV operations. In view of the change of circumstances, and on account of digitalization, the petitioner is at liberty to submit a fresh application, if he is willing to continue the business with the respondents. In the event of submitting any such application, the respondents 1 to 3 are directed to consider the same and take an appropriate decision on merits and in accordance with law.

5. With these observations, the writ petitions stand disposed of.

No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

WEB COPY

17.09.2021

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes

ars

S.M.SUBRAMANIAM, J.,

ars

To

- 1 The Managing Director,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, No.34/123,
6th Floor, Marshalls Road,
Egmore, Chennai-8.
- 2 Special Tahsildar/Deputy Manager,
Tamilnadu Arasu Cable TV
Corporation Limited,
Collectorate, Salem.
- 3 Senior Post Master,
Salem Head Post Office,
Salem-636 001.

WP Nos.4080 & 4926 of 2016

सत्यमेव जयते

WEB COPY

17.09.2021