



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23914 of 2021

and

WMP.No.25238 of 2021

Star Channel
51/H, Palanigounder Complex
Gandhi Nagar
Goundampalayam
Coimbatore - 641 030

...Petitioner

Versus

1. The Secretary to Government
Department of Housing and Urban Development
Fort St. George, Chennai - 600 009

2. The Executive Engineer
Tamil Nadu Housing Board
Special Project Division - III
Gowly Brown Road
R.S. Puram
Coimbatore - 641 002

...Respondents

Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass suitable orders on the petitioner's representation dated 29.09.2021 on the basis of his own earlier order dated 21.10.2019.

For Petitioner : Mr.P.Sesubalen Raja
for Mr.R.Siva Kumar

For Respondents : Mr.V. Baranidharan
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus seeking to direct the 2nd respondent to consider and pass suitable orders on the petitioner's representation dated 29.09.2021 on the basis of his own earlier order dated 21.10.2019.



2. According to the petitioner, he is a proprietor of a registered Cable Operator under the provisions of Cable Television Networks (Regulation) Act, 1995 operating since 1993. The First Respondent vide G.O. (2D) No. 333 dated 13.09.2002 granted permission to him for laying television cable at Koundampallayam Government Officials Housing Units. While so, the first respondent vide G.O. (2D) No. 390 dated 15.11.2002 made an attempt to interfere with his license, which was in vogue, by introducing another operator. Challenging the same, he approached this court by way of a writ petition in W.P. No. 49302 of 2002 and the same was allowed, permitted the petitioner to continue to provide his cable service to the aforesaid Housing Units. Further, during the year 2011, the Government of Tamil Nadu incepted the Tamil Nadu Arasu Cable TV Corporation Limited and the petitioner enrolled itself as a Subscriber with an Enrolment No. LC010140 in the said Cable TV Corporation. During 2012, the Housing Unit was demolished in view of constructing modern construction in the same said unit. However, during the year 2019, the construction of the same was emanated at the aforesaid unit for which he submitted a representation on 04.02.2019 to the Special Tahsildar/Deputy Manager of Tamil Nadu Arasu Cable TV Corporation Limited, Coimbatore seeking for restoring the license which was issued in his favour on 13.09.2002 and further, he was informed to make a representation to the second respondent for the same. Following the same, the petitioner sent a representation to the second respondent on 07.02.2019, seeking for restoring the license to which he was informed that the construction/project work has been completed, however, the Housing Board is awaiting for a formal handing over of the construction/project by the construction agency and once the same is handed over, the petitioner will be granted permission to lay the television cables. Following, he sent another representation on 29.09.2021 seeking for restoring the license and by permitting him to deposit the annual fee, however, the said representation is still pending on the file of the second respondent without any consideration till date. Aggrieved against such inaction, the petitioner has come up with this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Counsel for the respondents and perused the materials placed on record.

4. Considering the facts and circumstances of the case, this court, without going into merits of the case, directs the second respondent to consider the petitioner's representation dated 29.09.2021 and pass appropriate orders, if there is no legal impediment, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



5. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rli

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+1cc to Mr.R.Siva Kumar, Advocate, S.R.No.57404
+1cc to the Government Pleader, S.R.No.57903

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PMK[co]
NSK 03/12/2021