



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM

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**THE HONOURABLE MR.JUSTICE V.PARTHIBAN**

W.P.(MD)No.894 of 2021

and

W.M.P.(MD)Nos.753, 754 and 1966 of 2021

P.Manikandan

: Petitioner

**Vs.**

1. The Managing Director,  
Tamil Nadu Arasu Cable TV Corporation Limited,  
34/123, 6<sup>th</sup> Floor, Dukar Tower,  
Marsal Salai, Chennai - 600 008.
2. The General Manager,  
Tamil Nadu Arasu Cable TV Corporation Limited,  
34/123, 6<sup>th</sup> Floor, Dukar Tower,  
Marsal Salai, Chennai - 600 008.
3. The Special Tahsildar / Deputy Manager,  
Tamil Nadu Arasu Cable TV Corporation,  
Dindigul District.

: Respondents

**PRAYER :-** Petition filed under Article 226 of the Constitution of India seeking a Writ of Certioari, to call for the records relating to the impugned notice in Letter No.F2/858312/2020, dated 26.12.2020 issued by the second respondent and quash the same.

For Petitioner  
For Respondents

:Mr.Prasanna Vinoth  
:Mr.Abdul Saleem

**ORDER**

The case of the petitioner is that he is a cable operator and in the cable business since 1989. He is also a partner in Multi System Operator (MSO) at Dindigul. In 2011, the second respondent entered into a lease agreement with the petitioner for providing Arasu Cable Single to the local cable TV operators in entire Dingidul District, except Kodaikanal. This petitioner has also made an application to lay Optical Fiber Line to carry signal to the cable operators from the Arasu Cable Control room. Besides, the



provided to the Writ Petitioner as per the agreement and lease entered into between the petitioner and the Corporation, dated 03.10.2011.

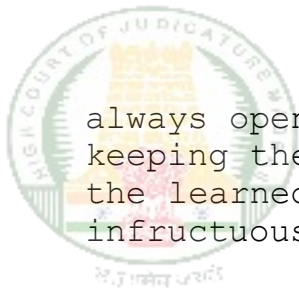
2.The second respondent had issued a notice, dated 26.12.2020, making certain allegations against the petitioner stating that the petitioner has not co-operated with the technical assistants to recover STB's and the petitioner is not providing instant service to any cable operators and is also not taking steps to activate the inactive STB's. The petitioner appears to have responded to the allegations contained in the impugned notice, dated 26.12.2020, and in fact raised principal objection to the notice stating that the notice did not contain any specific details, as to what was the fault of the petitioner. Simultaneously the Writ Petition has been filed challenging the impugned notice, dated 26.12.2020 issued by the second respondent.

3.When the matter is taken up for hearing today, on behalf of the respondent Corporation, Mr.Abdul Saleem, learned Counsel would submit that after the reply submitted by the petitioner to the impugned notice dated 26.12.2020, final order has been passed rejecting the reply of the petitioner by proceedings, dated 21.01.2021. In view of the final order being passed in the matter, the present Writ Petition has become infructuous.

4.At this, Mr.Prasanna Vinod, learned Counsel for the petitioner would vehemently oppose the submission that the Writ Petition has become infructuous. According to the learned Counsel for the petitioner, the impugned notice is extremely vague, bereft of any details and in the absence of any details, the petitioner was prevented from making any effective representation. Therefore, in that view of the matter, the impugned show cause notice is liable to be quashed.

5.However, this Court is not inclined to entertain any further arguments at this, in view of the above development stated by the learned Counsel for the respondent Corporation. Whatever the nature of the show cause notice, the petitioner had indeed responded to the impugned notice and submit his representation and a final order has also been passed in that matter on 21.01.2021. It is not open to the petitioner to still insist this Court to adjudicate the validity of the show cause notice. When the show cause notice has culminated in the final order being passed by the second respondent Corporation, it is open to the petitioner to lay challenge to the final order and while challenging the same, it is still open to the petitioner to urge the grounds, which are taken in the present Writ Petition. At the same time, it is not open to the petitioner to keep the issue of challenge to the show cause notice still alive and expect this Court to adjudicate the issue, which would amount of flogging a dead horse.

When the rights of the petitioner is not being undermined, it is



always open to him to challenge the final order. There is no point in keeping the Writ Petition pending on file and as rightly contended by the learned Counsel for the Corporation, the Writ Petition has become infructuous and therefore, the same has to be rejected at this stage.

6.The Writ Petition stands dismissed as having become infructuous. It is always open to the petitioner to adjudicate his right in a manner to known to law, if he is so advised, against the final order passed by the second respondent Corporation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CO)

// True Copy //

/ /2021  
Sub Assistant Registrar(CS-)

**To**

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Tamil Nadu Arasu Cable TV Corporation,  
Dindiugl District.

+1 CC to Mr.ABDUL SALEEM, Advocate ( SR-8721[F] dated 04/03/2021 )

CMR

TE : 16/03/2021 : 3P/5C

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