



W.P No.29055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P No.29055 of 2022

and

W.M.P Nos.28339 & 28340 of 2022

M.Jothi

... Petitioner

Vs

1. The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-600 007.

2. The Deputy Commissioner of Police
Armed Reserve-I
Greater Chennai Police
Pudupet, Chennai-600 002.

3. S.Balaji

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records to quash the allotment order issued by the 1st respondent in favour of the 3rd respondent in Rc.No.HBT III(2)/113/88152/2021 dated 22.10.2022 and consequently direct the 1st respondent to follow due procedures for providing cable TV connections to the newly constructed Police Quarters



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at Pudupet, Chennai.

For Petitioner : Mr.P.Solomon Francis
For Respondents : Mr.S.Santhosh for R1 & R2
Government Advocate (Crl.side)

ORDER

The Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus calling for the records to quash the allotment order issued by the 1st respondent in favour of the 3rd respondent in Rc.No.HBT III(2)/113/88152/2021 dated 22.10.2022 and consequently direct the 1st respondent to follow due procedures for providing cable TV connections to the newly constructed Police Quarters at Pudupet, Chennai.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 & 2.

3. The petitioner is a proprietorship firm engaged in the business of providing cable television connections and services to customers in



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various parts of Chennai; the petitioner is registered under the relevant authorities as stipulated under the Cable Television Regulation Act for conducting their business; the Armed Reserve Police have residential quarters at Nariyangadu & Pudupet, Chennai, consisting of over 1000 apartments occupied by the police personnel of various cadres of Armed Reserved Cadre; the petitioner as a licensed cable operator was providing cable television connections to these apartments for over 25 years and is currently providing cable TV services through Arasu Cable TV (MSO) an undertaking of the Government of Tamil Nadu; the petitioner has established a fully functional control room at Pudupet, Chennai only to cater to the needs of the police quarters; the 2nd respondent lastly issued an order permitting the petitioner for providing cable T.V connections by proceedings dated 23.04.2019 and ever since then she has been providing the services without interruption.

4. Since a part of the aforesaid residential buildings were over 40 years old, the same was dilapidated; after demolition, new construction have been done and the staffs and the police officials started to occupy the quarters recently; the 1st respondent as the custodian of the City Police



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housing for Chennai City Armed Reserve Police has started to allot these quarters to police personnel; the petitioner gave a proposal to the 1st respondent to provide free set top boxes and installations to the new residents of the quarters and the same was forwarded to the 2nd respondent; the 2nd respondent had also sought for a quotation for the new connections from the petitioner and she had also given the quotation and other details on 15.08.2022 to the 2nd respondent; however, the 1st respondent had given the order of allotment to the 3rd respondent; aggrieved over that, the petitioner has filed this writ petition seeking to quash the allotment order issued by the 1st respondent in favour of the 3rd respondent.

5. The learned counsel for the petitioner submitted that despite the petitioner was given with permission earlier to supply Cable TV connections to the inmates of the then existed quarters at Nariyangadu and Pudupet and the services were being enjoyed by the inmates for several years, all of a sudden, without notice, the respondents had given the permission to the 3rd respondent. The petitioner was not put under notice before giving permission to the 3rd respondent.



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6. The learned Government Advocate (Crl.Side) submitted that the 1st respondent had chosen to give the allotment to the 3rd respondent, since he had come forward to provide Cable TV service by quoting the least price; the 1st respondent is not bound to give permission to the petitioner; there is no arbitrary exercise of power, but it is only an option exercised by the 1st respondent police.

7. Eventhough the respondents are police officials and the quarters for which the cable connections are given are the police quarters, its management is with the 1st respondent. The erstwhile relationship between the petitioner and the 1st respondent was Cable TV service provider and consumer. After the dilapidated buildings were demolished and reconstructed, the petitioner herself offered to provide Cable TV connection and for which, the 1st respondent asked her to give her quotation and she had given the same.



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8. It is learnt that the 1st respondent has also called for quotation from another Cable TV operator namely, the 3rd respondent herein and got satisfied with the price quoted by him. So, the 1st respondent had chosen to issue the permission order for providing cable TV connection to the 3rd respondent. The grievance of the petitioner is that she was giving Cable TV connections to the inmates of the quarters for atleast 25 years without any interruption and hence, the 1st respondent cannot give allotment permission to the 3rd respondent. Just because the petitioner was given permission to provide the service for 25 years, that does not preclude the 1st respondent from opting some other Cable TV provider of his choice.

9. There is no obligation on the part of the 1st respondent that he should avail the cable TV service only through the petitioner. The 1st respondent is at liberty to choose his service provider from the several providers in the market. The petitioner cannot claim monopoly over any building or premises except in accordance with the reowns of her license relating to the Cable TV operation. Since the 1st respondent had given the permission to the 3rd respondent in his capacity as a consumer for



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Cable TV services, he has the option to choose among the several such providers in the market. Exercising the said option by the 1st respondent cannot be called as arbitrary or without authority.

10. It is to be noted that no tender was called for by the 1st respondent in this regard and hence the petitioner cannot seek the resume under tender rules. Since the petitioner has not established there is statutory violation committed by the 1st respondent or his legal or constitutional right got infringed in any manner, this writ petition itself is not maintainable.

11. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/ No
Speaking Order: Yes/No
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3. The Public Prosecutor
High Court of Madras.



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R.MANJULA, J

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