



W.P.No.3188 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3188 of 2018

and

W.M.P.Nos.3901 & 3902 of 2018

Vasu

... Petitioner

Vs.

1.Principal Secretary/Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai – 600 005.

2.Executive Engineer,
Kancheepuram Division,
Tamil Nadu Slum Clearance Board,
Kancheepuram.

3.The Manager,
The Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dugar Towers,
34 (123) 6th Floor,
Marshalls Road,
Egmore, Chennai – 600 008.

4.G.R.Kathiravan/Ramu

5.A.Athmaram/Sampath

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in connection with two impugned orders in Na.Ka.No.B5/14652/17 dated 18.01.2018 passed by the 1st respondent and quash the same and consequently allot cable TV licensing operation for Navalur slum clearance scheme, Serpancheri village to the petitioner.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.M.Babu Murthy Meeran
Standing Counsel [R1 & R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records in connection with two impugned orders in Na.Ka.No.B5/14652/17 dated 18.01.2018 passed by the first respondent and quash the same and consequently, to allot cable TV licensing operation for Navalur slum clearance scheme, Serpancheri village to the petitioner.

2. The case of the petitioner is that the petitioner is doing Cable TV Operation in the name and style of “Amman Cable Network” in the Serppanacherry Village for more than 7 years. While so, the first respondent had formed the Navalur Slum Clearance Scheme in



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Serappancheri Village and the said first respondent's tenements falls within the jurisdiction of the petitioner's dealership. Hence, the petitioner made a representation before the first respondent to issue No Objection Certificate for cable TV dealership. However, without considering the same, the first respondent without jurisdiction has passed the impugned order in favour of the respondents 4 and 5. Challenging the same, the present writ petition is filed for appropriate directions.

3. The learned counsel for the petitioner would submit that already the petitioner obtained cable TV distributorship for the village of Serppanachery, in which, the respondent-Tamil Nadu Slum Clearance Board have no power to grant distributorship in favour of the respondents 4 and 5. The said distributorship given by the first respondent in favour of the respondents 4 and 5 was not maintainable. Accordingly, he prays for appropriate orders.

4. Heard Mr.M.Sriram, learned counsel for the petitioner as well as Mr.M.Babu Murthy Meeran, learned Standing Counsel appearing for the respondents 1 and 2 and perused the materials available on record.



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5. The facts in the present case is not in dispute. Admittedly, the respondents 4 and 5 made an application on 10.11.2017 before the first respondent for cable TV operation in the Slum dwelling units constructed by the first respondent for 2048 units. Accordingly, a resolution was passed by the respondent-Tamil Nadu Slum Clearance Board in Resolution No.20/418 dated 04.06.2008 granting license in favour of the respondents 4 and 5 for 1024 tenements for a period of one year for a sum of Rs.20/- per unit, totally for a sum of Rs.2,45,760/-. However, the petitioner claimed that he obtained cable TV connection from the third respondent for which no records was produced. However, for the tenements owned by the first respondent, the first respondent is the competent authority to grant permission for the Cable TV operation. Hence, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

14.03.2023
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Index: Yes/ No
Speaking Order/ Non-Speaking Order
Neutral Citation Case : Yes / No
sp



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