



W.P.(MD)No.19558 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19558 of 2020
and
W.M.P.(MD)No.16288 of 2020

R.Kamaraja

.. Petitioner

Versus

- 1.The Secretary,
The Ministry for Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi - 110 001.
- 2.The District Revenue Officer/Nodal Officer (Cable Tv),
Trichy, Trichy District.
- 3.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Dukar Tower, Marsal Salai,
Chennai - 600 008
- 4.The Assistant Manager/Special Thasildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Trichy District.
- 5.Noor Ahamed, S/o.Kabir Ahamed

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents 3 and 4 not to



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allot the LCO area of the petitioner to the fifth respondent by providing STBs and Digital signal to him in the petitioner's cable network area Allimal Street, Sandukadai Area, Mappilai Naika Street, Muthuraja Pillai Colony, Swankara Street, Pillukara Street and Kallar Street at Trichy City.

For Petitioner : Mr.B.Prasanna Vinoth
For R1 : Mr.S.Jeyasingh
Senior Panel Counsel
For R3 and R4 : Mr.David Sundar Singh
For R5 : Mr.N.Anandakumar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 3 and 4 not to allot the LCO area of the petitioner to the fifth respondent, by providing STBs and Digital signal to him in the petitioner's cable network areas, namely, Allimal Street, Sandukadai Area, Mappilai Naika Street, Muthuraja Pillai Colony, Swankara Street, Pillukara Street and Kallar Street at Trichy City.

2. The main contention raised by the learned counsel for the petitioner is that the petitioner has already been allotted the LCO area for Allimal Street, Sandukadai Area, Mappilai Naika Street, Muthuraja Pillai Colony, Swankara Street, Pillukara Street and Kallar Street at Trichy City. According to the



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petitioner, he has acted upon the same and he has proceeded further to get the set top box for all his customers in these areas. The grievance of the petitioner is that the third respondent was trying to allot new LCO in the existing LCO area. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. The learned Standing Counsel appearing on behalf of the respondents 3 and 4 submitted that no one can claim monopoly over the LCO area and that a batch of Writ Petitions have already been heard in this regard and orders have been reserved.

4. The learned counsel appearing on behalf of the fifth respondent submitted that the fifth respondent will not claim licence for LCO area that has been allotted to the petitioner and that he will confine his claim only to a street, which has not been allotted to the petitioner. To substantiate the same, the learned counsel relied upon Paragraph No.8 of the counter affidavit filed by the fifth respondent. For proper appreciation, the same is extracted hereunder:-

"8. I respectfully submit that the writ petitioner has no right to prevent me from a lawful profession with a malafide intention against me and it is pertinent to note that even as per the certificate of registration issued by the postal department which has been enclosed



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in the typed set of papers filed by the writ petitioner herein clearly shows that he has obtained a license pertaining to Allimal Street, and other streets and he has not issued with license for Swankara Street and though I have applied for license pertaining to Allimal Street and Swankara Street, now I am ready to confine application area to Swankara Street alone."

5. In the light of the above stand taken by the fifth respondent, the petitioner should not have any grievance, if the fifth respondent is provided with the STBs and Digital signal for the area, which was not allotted to the petitioner. The fifth respondent has stated that he will be satisfied, if his application is considered only for Swankara Street alone.

6. In view of the above, there shall be a direction to the second respondent to consider the claim made by the fifth respondent for licence to Swankara Street alone. The licence with respect to other areas that have been allotted to the petitioner is not sought for by the fifth respondent and that takes care of the grievance expressed by the petitioner.

7. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No

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N.ANAND VENKATESH, J.

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