



WP(MD)No.2940 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.2940 of 2018
and W.M.P(MD).Nos.3104 and 3105 of 2018

R.Kanagasabapathi

.. Petitioner

v.

1.The Chairman,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
No.123, Marshal Road,
Egmore,
Chennai-600 008.

2.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
No.123, Marshal Road,
Egmore,
Chennai-600 008.

3.The Deputy Manager,
Tamil Nadu Arasu Cable TV,
Vandikara Street, Taluk Office,
Ramanathapuram,
Ramanathapuram District.

4.A.Ummukulthum

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 23.10.2017 in Ceyalmurai Aanai No.B12/8277/2017 passed by the second respondent appointing the fourth respondent as Digital Signal Distributor of Paramakudi Taluk, thereby quash the same and ordering the respondents 1 to 3 for public auction to the said appointment by calling application from the deserved Local Cable TV Operators according to the prescribed norms.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Ms.Annil Abinaya,
Standing Counsel for R1 to R3
Mr.R.Suriya Narayanan for R4

ORDER

This Writ Petition has been filed challenging the order impugned dated 23.10.2017 passed by the second respondent appointing the fourth respondent as the Digital Signal Distributor of Paramakudi Taluk, on the ground that the appointment of the fourth respondent was made without following due process of law.

2. The learned counsel appearing for the petitioner submits that while appointing the fourth respondent as the Digital Signal Distributor, the second



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respondent has not prescribed the norms and procedures, though this Court, vide common order dated 25.11.2016 in W.P(MD)Nos.20216 of 2015 and 15347 of 2016, has instructed the Tamil Nadu Arasu Cable TV Corporation to maintain transparency in the appointment of the Digital Cable Operators and Taluk Cable Operators and provide guidelines in the selection and appointment of the Digital Cable Operators and Taluk Cable Operators as per the Tamil Nadu Tender Transparency Act and there is no transparency in the appointment of the fourth respondent. Therefore, the impugned order is liable to be set aside.

3. The learned Standing Counsel appearing for the respondents 1 to 3 submits that from the year 2017, the Tamil Nadu Arasu Cable TV is transmitting its signals only through digital mode and therefore, in the place of the Digital Cable Operators and Taluk Cable Operators, the Digital Signal Distributors were appointed. However, the petitioner, under a misconception that the fourth respondent was appointed as the Digital Cable Operator/Taluk Cable Operator, has filed the present Writ Petition. She further submits that when the petitioner was a Local Cable Operator under the Tamil Nadu Arasu Cable TV Corporation, he had subscribed 1563 connections and has outstanding amount of Rs.99,978/- (Rupees Ninety Nine Thousand Nine Hundred and Seventy Eight only) payable to



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the Tamil Nadu Arasu Cable TV Corporation. The learned Standing Counsel has also produced a copy of the Notification issued by the Tamil Nadu Arasu Cable TV Corporation dated 19.04.2018 inviting applications from the eligible distributors and submits that the Tender applications are very much available in the website of the Tamil Nadu Arasu Cable TV Corporation and apart from the above, paper publication was also published. The learned Standing Counsel, by relying on the subsequent Notification dated 05.02.2019, submits that the Tamil Nadu Arasu Cable TV Corporation has also prescribed guidelines on the eligibility criteria.

4. This Court considered the rival submissions made by both sides and perused the materials available on record.

5. Though the petitioner claims that the appointment of the fourth respondent as Digital Signal Distributor was done without following the due process of law and the respondents have not complied with the direction given by this Court and not prescribed any guidelines, he has not produced any materials to substantiate his case.



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6. A perusal of the counter affidavit filed by the respondents reveals that before appointing the fourth respondent as the Digital Signal Distributor, a Notification was issued on 19.04.2018 inviting applications from the eligible Distributors and the guidelines were also prescribed on the Modalities and Eligible Criteria, as per the directions issued by this Court. Therefore, this Court does not find any error in the appointment of the fourth respondent. Further, when the petitioner was the Local Cable Operator under the Tamil Nadu Arasu Cable TV Corporation, he had subscribed 1563 connections and has outstanding amount of Rs.99,978/- (Rupees Ninety Nine Thousand Nine Hundred and Seventy Eight only) payable to the Tamil Nadu Arasu Cable TV Corporation. Hence, the respondents 1 to 3 are directed to recover the outstanding amount payable by the petitioner in the manner known to law.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

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B.PUGALENDHI, J.

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