



WP(MD)No.3597 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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M.Gopal

.. Petitioner

v.

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
123, Marshal Road,
Egmore,
Chennai-600 008.

2.The Deputy Manager/The Special Thasildhar,
Tamil Nadu Arasu Cable TV,
Vandikara Street, Taluk Office,
Ramanathapuram,
Ramanathapuram District-623 501.

3.Jeyabarath

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 01.01.2018 and thereby not to appoint any new LCO in his area of operation in the petitioner's Cable TV Business.



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For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Ms.Annil Abinaya,
Standing Counsel for R1
Mr.J.K.Jeyaseelan,
Government Advocate
for R2
Mr.M.Thirunavukarasu
for R3

ORDER

This Writ Petition has been filed for a Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 01.01.2018 and not to appoint the new Local Cable Operator in the petitioner's area of operation.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Multi System Operator in Abiramam, Kamuthi Taluk, Ramanathapuram District and he has provided flawless service to all the Local Cable Operators under his control and had increased the revenue of Tamil Nadu Arasu Cable TV Corporation. While so, the respondents are attempting to appoint the new Local Cable Operator in the area of operation of the petitioner and it would amount to violation of the order passed by this Court in



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W.P(MD).No.19537 of 2016 dated 06.10.2016, wherein, this Court directed the respondents 1 and 2 not to appoint any new Local Cable Operator in the area of operation of the petitioner.

3. The learned Standing Counsel appearing for the respondents submits that the petitioner has no *locus standi* to seek for the above relief, since the Tamil Nadu Arasu Cable TV being a Corporation is entitled to appoint the Local Cable Operators to transmit its signals to the public. The Telecom Disputes Settlement and Appellate Tribunal is the appropriate authority for redressal of the grievance between DAS licensees as per the TRAI Act. Hence, this Writ Petition itself is not maintainable.

4. When the petitioner is having alternative remedy before the Telecom Disputes Settlement and Appellate Tribunal for redressal of his grievance, the petitioner, without exhausting the same, has filed this writ petition. Further, the Tamil Nadu Arasu Cable TV, being a Corporation, is entitled to appoint Local Cable Operators to transmit its signals to the public. Therefore, this Court cannot direct the respondents not to appoint any new Local Cable Operator in the petitioner's area of operation.



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5. 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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