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W.P.No.34086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34086 of 2023
and W.M.P.No.33973 of 2023

S.Malar

... Petitioner

VS.

- 1.Tamil Nadu Urban Habitat Development Board,
Rep. the Managing Director,
No.5 Kamarajar Salai,
Chepuak, Chennai-600 005.
- 2.The Superintending Engineer,
Division – 9,
Tamil Nadu Urban Habitat Development Board,
Perumbakkam,
Chennai-600 119
- 3.The Estate Officer
Estate Office 9,
Tamil Nadu Urban Habitat Development Board,
Semmancheri,
Chennai-600 119
- 4.Tamil Nadu Arasu Cable TV Corporation Limited,
Rep. the Managing Director,
“Dugar Towers”, 6th Floor,
Old No.34, New No.123, Marshalls Road,
Egmore, Chennai-600008



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5. The Telecom Regulatory Authority of India
Rep by its Secretary
Mahanagar Doorsanchar Bhawan
(Next to Zakir Hussain College)
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi – 110002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd Respondent pertaining to the communication dated 03.02.2023 vide Na.Ka.No.7561/A2/KO-IX/2022 and quash the same as wholly without jurisdiction and consequently direct the 1st and 2nd Respondent herein to grant Right of Way permission to the Petitioner to provide Cable Services to the tenements constructed and managed by the 1st Respondent at Ezhil Nagar Perumbakkam, Chennai, in accordance with Section 4 B of the Cable Television Networks (Regulation) Act, 1995 and Regulations made there under, within a time limit stipulated by this Court and consequently forbear the 1st and 2nd Respondents from creating or maintaining any empanelment process of allotment to the cable TV operators.

For Petitioner : Mr.J.Ravikumar

For R1 to R3 : Ms.Indumathy Venkatesh

For R4 : Mr.P.Ananda Kumar
Government Advocate

ORDER



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The Writ Petition is filed challenging the order passed by the 2nd respondent vide Na.Ka.No.7561/A2/KO-IX/2022, dated 03.02.2023 rejecting the request of the petitioner seeking Right of Way for giving cable connection to the residents living in Ezhil Nagar, Perumbakkam, Chennai Project of the 1st respondent.

2. The request made by the petitioner claiming Right of Way was rejected by the 2nd respondent mainly on the ground that the licence of the petitioner for giving cable connection issued by the Postal Authorities got expired on 24.01.2020.

3. The learned counsel appearing for the petitioner submits that on the date of impugned order, the petitioner's licence was renewed by Post Master, Tambaram HPO, Chennai, by the order dated 09.03.2022 in Proceedings No.H/Cable TV Digs/2022.

4. A perusal of the same would suggest that the licence of the petitioner was renewed from 09.03.2022 to 10.03.2023. Therefore, the reasoning given by the 2nd respondent in the impugned order appeared to be



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not correct. In any event, the licence renewed in favour of the petitioner was already expired on 10.03.2023, therefore, the petitioner is directed to give a fresh application before the 2nd respondent seeking Right of Way along with current licence issued by the Postal Authorities, within a period of two weeks from the date of receipt of copy of this order. If any such application is filed by the petitioner along with licence issued by the Postal Authorities, the 2nd respondent shall consider the same for existing tenements, if the application submitted by the petitioner is otherwise in order, within a period of four weeks from the date of receipt of such application.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

06.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.

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