

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11725 of 2016
and WMP.Nos.10148 & 10149 of 2016

D.S.Srinivasan

... Petitioner

Vs.

The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Deputy Manager/Special Tahsildar
(Arasu Cable TV)
Kanchipuram District,
Kanchipuram.

3.Tamil Nadu Arasu Cable TV Corporation Ltd,
Represented by the Managing Director,
Dugar Towers, 34, 6th Floor,
Marshall Road, Egmore,
Chennai-8.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the order passed by him in his Notice No.D1/019/LCO No.45327/DM1(1)/2016 dated 09.02.2016 and quash the same and direct the respondents to give permission to the petitioner to run the Government Cable TV operation at Kanchipuram.

For Petitioner : Mr.R.Singaravalu
for M.Srividhya.

For respondents : Mr.R.A.S.Senthilvel, AGP for R1.
Mr.Abdul Saleem for R2 and R3.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the order passed by him in his Notice No.D1/019/LCO No.45327/DM1(1)/2016 dated 09.02.2016 and to quash the same and direct the respondents to give permission to the petitioner to run the Government Cable TV operation at Kanchipuram.

3.The petitioner registered himself as Cable Operator for running a Cable Television Network in Registration No.CB/TW/598 covering the following places namely, Thiruvathamman Koil Street, Kamaraj Salai, MGR Nagar Colony, Vadavanda Mada Veedhi, Annasalai West, NSK Nagar, Poonthota Street, Kasim Nagar, New Periyar Nagar, Anantha Vinayagar Koil Street, Thirukalimedu.

4.On the basis of the said permission, the petitioner started the Cable connection Net Work of Arasu cable Television Ltd., on 16.11.2011. Subsequently, on 24.11.2011, the Tahsildar, Kanchipuram disconnected the cable without any prior notice. The petitioner sent a representation dated 25.11.2011 seeking permission of the Tahsildar, Kanchipuram to restore the connection. The Tahsildar called the cable operators and had a discussion with all of them and promised to restore the connection. In spite of repeated demands and requests made by the petitioner, the Tahsildar failed to restore the connection.

5.Challenging the order of the second respondent dated 04.02.2014, the petitioner filed WP.No.5186 of 2014 seeking a direction to the respondent to permit the petitioner to carry on cable TV network operation under Arasu Cable TV network. In the said writ petition notice was ordered and the same is pending before this Court.

6.In the meanwhile, the General Manager, Tamil Nadu Arasu Cable TV Corporation Ltd/third respondent passed an order dated 06.06.2014 directing the petitioner to pay a sum of Rs.1,32,378/- without any prior notice and opportunity of being heard, as if the petitioner obtained signals from third respondent and thereby providing cable services to their subscribers. The stand taken by the third respondent is against the own stand rejecting the application for permission which is the subject matter of WP.No.5186 of 2014. The petitioner also filed WP.No.16854 of 2014, this Court ordered Notice of Motion returnable by eight weeks and the same is pending before this Court.

7.Now, the Managing Director of Tamil Nadu Arasu Cable TV Corporation Limited has passed another order dated 09.02.2016 cancelling the licence and forfeiting the advance caution deposit of Rs.15,000/- and monthly installment amount of

Rs.5,000/-, as if the petitioner is not paying monthly installment to the said Corporation. Challenging the said order, the petitioner filed the present writ petition before this Court.

8.The grievance of the petitioner is that already two writ petitions are pending before this Court and now the third respondent without giving due opportunity of personal hearing, all of a sudden passed the present impugned order, which is against the principles of natural justice.

9.Considering the submissions made by the learned counsel for the petitioner and the respondents, I am of the opinion, the impugned order passed by the third respondent is liable to be quashed and accordingly the same is hereby quashed and the matter is remitted back to the third respondent for fresh consideration. The third respondent is directed to give an opportunity of hearing to the petitioner and thereafter pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner

Land Survey and Land Tax, Survey house,
3rd floor, Chepauk, Chennai-05.

2.The Assistant Settlement Officer (North)

Director of Survey and Settlement
Chepauk, Chennai-05.

3.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Dugar Towers, 34, 6th Floor,
Marshall Road, Egmore, Chennai-8.

+ 1 cc to Mr.Abdul Saleem, Advocate Sr.20394

+ 1 cc to Government Pleader Sr.20154

W.P.No.11725 of 2016

MSM(CO)

Eu 22.04.16