

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.07.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.26600 of 2016
and WMP.No.22791 of 2016

Ajith Cable TV Network [Petitioner]
Rep. by G.Manoharan
Bus Stand Opp. G.H.Nangavalli
Mettur Taluk
Salem District-636 454.

Vs

- 1 The Assistant Director of Panchayats
Town Panchayats Salem District
Salem.
- 2 The Executive Officer
Nangavalli Town Panchayat Nangavalli
Salem District.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the impugned order dated 11.09.2015 made in Na.Ka.No.623/2014 passed by the 2nd respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.V.Jayaprakash Narayanan,
SGP (R1)

Mr.P.Chinnadurai, GA (R2)

ORDER

The writ petition has been filed challenging the impugned order dated 11.09.2015 made in Na.Ka.No.623/2014 passed by the 2nd respondent.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleaders takes notice on behalf of the 1st respondent and Mr.P.Chinnadurai, learned Government Advocate, takes notice on behalf of the 2nd respondent.

3. The petitioner is running a Cable Television Network
<https://hcservices.ecourts.gov.in/hcservices/>

business, after obtaining appropriate permission from the concerned authority, under the 2nd respondent Town Panchayat. The licence has also been periodically renewed. As on date, the licence is in existence. However, on 11.09.2015, the 2nd respondent called upon the petitioner to pay a sum of Rs.1,30,000/- towards rental charges for using the 2nd respondent's property. Challenging the same, the petitioner is before this Court.

4. Mr.C.Prabakaran, learned counsel for the petitioner would submit that without notice, the demand was made. However, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing for the 1st respondent would submit that the charges demanded from the petitioner is called Track Rent, since the petitioner is using the public road for connecting the cables to the residence of the customers.

5. It is evident from the records that without giving notice to the petitioner, the demand of Rs.1,30,000/- towards track rent was made. The 2nd respondent is collecting the said amount only for the purpose augmenting the income of the 2nd respondent Panchayat. Taking into consideration the non service of any show cause notice, instead of quashing the impugned order, this Court is of the view that it would be appropriate if a direction is given to the parties to treat the impugned order dated 11.09.2015 as the show cause notice.

6. In view of the same, this Court directs the parties to treat the impugned order dated 11.09.2015 as the show cause notice and the petitioner is directed to give his reply within a period of one week from the date of receipt of a copy of this order and on receipt of such a reply, the 2nd respondent is directed to pass final orders within a period of four weeks thereafter.

7. Since this Court directs the petitioner to treat the impugned order as the show cause notice, without prejudice to his rights, the petitioner is directed to deposit a sum of Rs.65,000/- within a period of two weeks from today.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1 The Assistant Director of Panchayats
Town Panchayats Salem District
Salem.

2 The Executive Officer
Nangavalli Town Panchayat Nangavalli
Salem District.

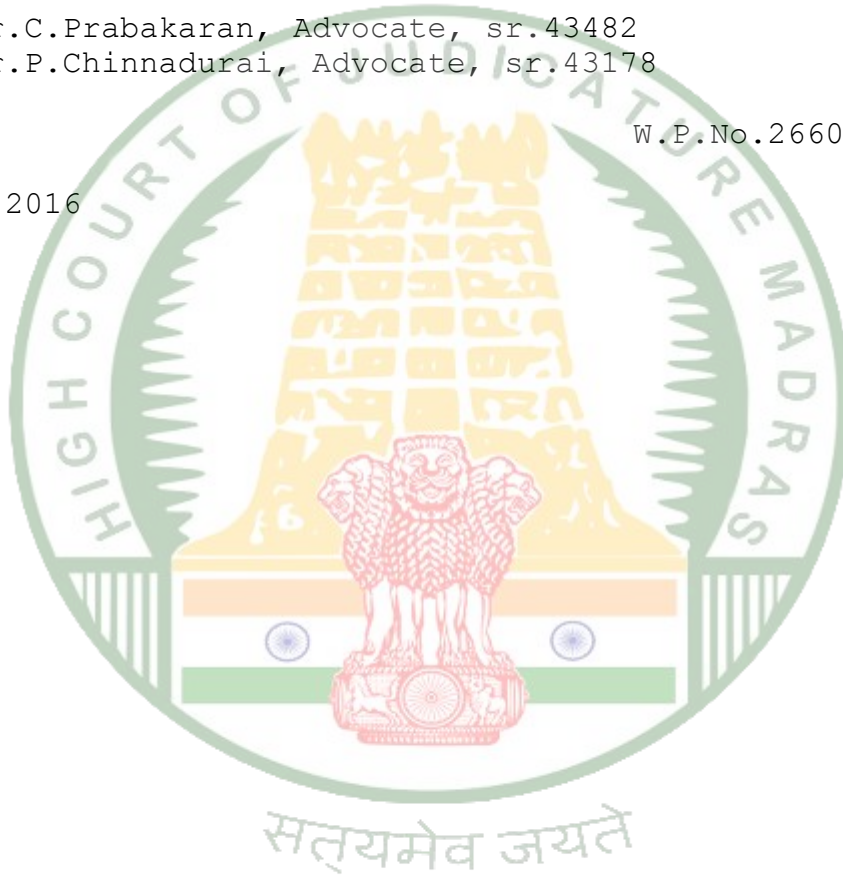
1 cc to Mr.C.Prabakaran, Advocate, sr.43482

1 cc to Mr.P.Chinnadurai, Advocate, sr.43178

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