

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.17468 of 2017

K.G.Sidduraj,
Authorized Director,
M/s.Raagul Sat Vision Private Ltd.,
Door No.1/9, Krishna Reddiyur,
Ellampillai,
Thappkutai (P.O.).,
Salem District 637 502. ... Petitioner

Vs.

1. The Chair Person, TRAI,
Mahanagar Door Shanchar Bhawan,
Jawaharlal Nehru Marg,
Old Minto Road,
Near Dr. Zakir Husain College,
New Delhi - 110 002.
2. The Secretary,
Ministry of Information and Broadcasting,
No.116, A Wing, Shastri Bawan,
New Delhi -110 001.
3. The Managing Director,
Tamil Nadu Arasu Cable TV corporation Ltd,
Dugar Towers, 6th Floor, 123 Marshal Road,
Egmore, Chennai- 600 008.
4. The Deputy Manager /The Special Thasildhar,
Tamil Nadu Arasu Cable TV Corporation,
District Collector Office Campus,
Salem District - 636 001.
5. The Thasildar,
Salem District, Salem - 636 001.
6. The District Collector,
Salem District, Salem - 636 001.
7. The Revenue Divisional Officer,
Salem District Salem - 636 001.

8. The Commissioner of Police,
District Police Office,
Salem District - 636 016.
9. Mr.M.Kadhar Khan
District Cable Operator(DCO),
Salem District - 636 016.
10. The Chief Secretary
Tamil Nadu Government,
St. George Fort,
Chennai - 600 009.
11. The DGP of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai- 600 004. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to call for the records resulting in the fourth respondent's impugned order dated 06.06.2017 passed in e/f/4/17/j/ehm/nf/o/tp (unserved) which is affixed in the door and quash the same and direction directing the respondents to unlock and remove the wax seal on the locks of the doors of the petitioner's control room.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.M.Devendran for R1
Standing counsel
Mr.S.Gunasekaran for R3 and R4
Mr.P.Senthivel for R5 to 8, 10 & 11
Government Advocate
No Appearance for R2

O R D E R

The petitioner is aggrieved against the proceedings of the fourth respondent dated 06.06.2017, wherein and whereby the petitioner premises was locked and sealed on the reason that the petitioner is operating Cable TV business, without getting permission and following the Rules in connection with such business.

2.Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

3.Mr.V.R.Venkatesan, learned counsel appearing for the petitioner submitted that the impugned proceedings are liable to be quashed both on the ground of violation of the principles of natural justice and also on the ground that the same came to be passed, based on the presumption and assumption especially, when the petitioner is having required license from the competent authorities to run such business. He further submitted that before passing the impugned order, the petitioner was not put on notice and therefore, it violates the principles of natural justice. In so far as the possession of license from the competent authority is concerned, the learned counsel invited this Court's attention to the Certificate issued by the Postmaster, Suramangalam Head Post Office dated 03.01.2015, showing that the petitioner is running a cable TV Network with Registration No.1275 with validation of registration for three years, commencing from 03.01.2015 to 02.01.2018.

4.Per contra, learned counsel appearing for the respondents submitted that the petitioner is in huge arrears and without paying the same, the petitioner cannot be permitted to run the business.

5.Perusal of the impugned order would disclose the following facts:

a) Before passing such order followed by the action of locking and sealing the premises of the petitioner, he was not put on notice. There is no indication in the impugned order to that effect as well. Therefore, it is evident that the impugned order violates the principles of natural justice.

b) As contended by the learned counsel for the petitioner, it appears that the petitioner is having a registered Certificate issued by the Department of Posts, India, which is in force till 02.01.2018;

c) The other contention raised by the learned counsel for the respondents that the petitioner is in arrears, is not reflected in the impugned communication. Therefore, this court is of the view that the fourth respondent is not justified in passing the impugned order and consequently, locking and sealing the premises. Yet another factor, which is noticed by this court is that though the impugned order is styled as the one issued by the District Collector, Salem, it is seen that the same was signed by the fourth respondent/Tahsildar, which conduct, this Court is not in a position to understand. In any event, as this Court has taken the view that the impugned order cannot be sustained, whether it is passed by the Tahsildar or the District Collector, the writ petition is allowed and the impugned order is set aside. Consequently, the respondents are directed to remove the seal of the petitioner premises and allow the petitioner to run the cable TV business. However, this order will not preclude the respondents from issuing notice to the

petitioner in accordance with law including by way of demand of arrears, if any. If any such notice is issued, it is for the petitioner to reply to the said notice before the concerned respondent. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vri

To

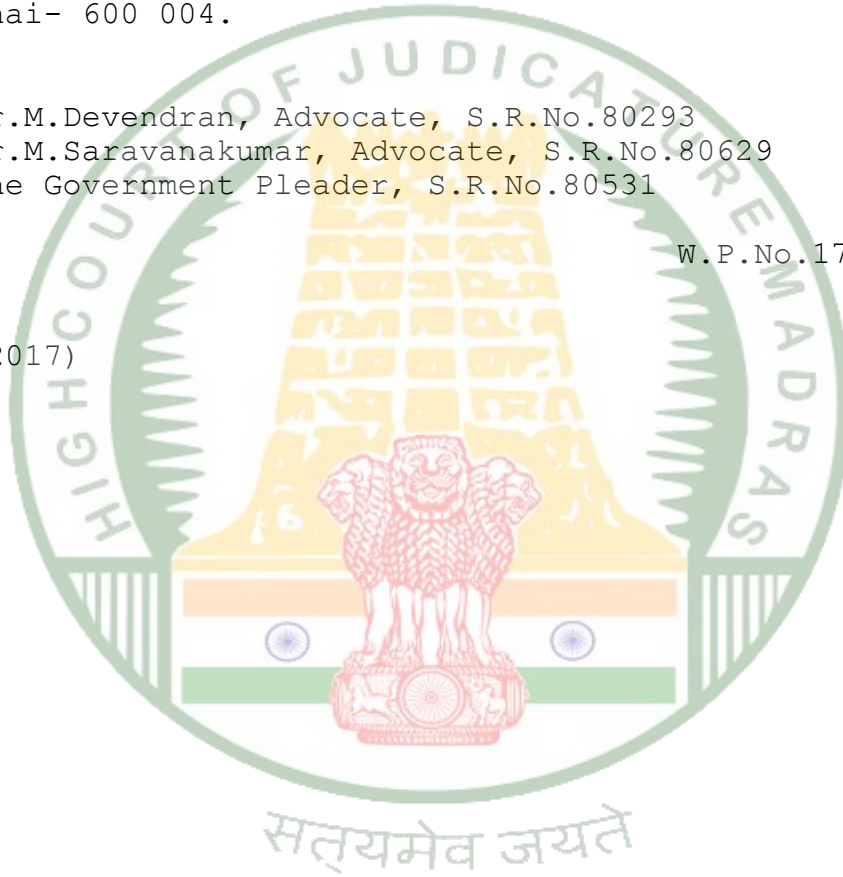
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Salem District - 636 016.

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11. The DGP of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai- 600 004.

+1cc to Mr.M.Devendran, Advocate, S.R.No.80293
+1cc to Mr.M.Saravanakumar, Advocate, S.R.No.80629
+1cc to the Government Pleader, S.R.No.80531

W.P.No.17468 of 2017

MN(CO)
CA(15/11/2017)



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