



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) No.10616 of 2017 and
W.M.P.(MD) Nos.8094 & 8095 of 2017

M.Gopal

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dukar Tower, 6th Floor, No.34 (123),
Marshals Road, Egmore,
Chennai-600 008.

2. The Deputy Manager /Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Vandikara Street, Taluk Office,
Ramanathapuram,
Ramanathapuram District.

3. Ummu Gulthum ... Respondents
(**R3 impleaded by order dated 30.08.2017**) in WMP(MD)11836/17

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the order of termination passed in order No. B14/4460/2015 dated 26.05.2017 on the file of 1st respondent and to quash the same as illegal .

For Petitioner: Mr.K.R.Laxman
For R1 & R2 : Mr.Sathish Kumar
For R3 : Mr.V.Sitharanjandas

O R D E R

This writ petition has been filed, seeking to quash the order of termination passed by the 1st respondent in No.B14/4460/2015 dated 26.05.2017, by which the license granted to the petitioner was cancelled.

2. The case of the petitioner in nutshell is as follows:

i) The petitioner was granted Cable Television License on 12.06.2012 to operate the control room at Abiramam, Ramanathapuram District and invested huge amount for the said purpose. The present registered certificate issued by the Office of the Post Master coming under the Department of Posts, Government of India has been duly extended till 24.04.2018;

ii) While so, the respondents 1 & 2 permitted R3 to open an operation room in his sector, aggrieved by which, he filed a writ



petition in W.P.(MD) No.13742 of 2016, in which the respondents therein took a stand that they will not disconnect his license without following due process of law. In the meanwhile, a show cause notice dated 12.04.2017 was issued to him with regard to certain charges and he has also submitted his detailed reply / explanation on 26.04.2017. Having received the same, the order of termination of license came to be issued mechanically without considering his explanation and without giving an opportunity of hearing to him. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the impugned order has been passed without application of mind, inasmuch the licence granted to the petitioner was simply cancelled on the baseless allegations levelled by some third parties, that too, without any enquiry and due inspection of the site. Hence, the impugned order is arbitrary in nature and cannot withstand legally.

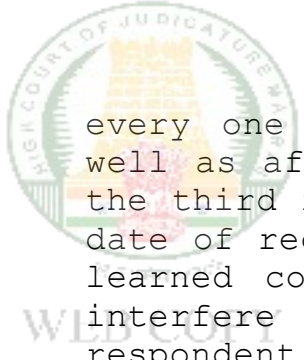
4. The learned counsel appearing for the respondents 1 & 2 would contend that on account of violation of the terms and conditions stipulated in the license, the respondents were compelled to cancel the license of the petitioner. Moreover, several complaints were received from third parties in respect of his improper operations and the petitioner, without obtaining any permission, set up a Private Digital Room in the same TCO room and has given link to other areas other than permitted by the respondents. Therefore, there is no irregularity and infirmity in the impugned order and the same does not call for any interference whatsoever by this Court.

5. At this juncture, the learned counsel for R3 would represent that the petitioner is attempting to telecast in the area specifically allotted to R3, thereby interfering with her business activities. In this regard, she has already lodged a complaint before the concerned jurisdictional Police.

6. Heard the learned counsel for the parties.

7. A perusal of the averments made in the affidavit filed in support of the petition would unfold that there are certain allegations with regard to the illegalities committed by the petitioner and a detailed explanation has been offered by the petitioner on 26.04.2017 against the show cause notice issued to him. However, in the impugned order, there is no whisper as to the consideration of his explanation and there is not even a discussion whatsoever about it, which shows the predetermined mind of the 1st respondent. Therefore, the impugned order is liable to be set aside on this ground itself.

<https://hcservices.ecourts.gov.in/hcservices> result, this petition is allowed and the impugned order dated 26.05.2017 is set aside. The matter is remitted to the 1st respondent for passing orders afresh after considering each and



every one of the allegations levelled against the petitioner as well as affording an opportunity of hearing to the petitioner and the third respondent herein, within a period of six weeks from the date of receipt of a copy of this order. The statement made by the learned counsel for the petitioner that the petitioner will not interfere with any of the business activities of the third respondent is hereby recorded. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

TO

1. The Managing Director,
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Ramanathapuram District.

+1cc to M/S.D.SENTHIL, Advocate SR.No.84138

+1cc to M/S.K.R.LAXMAN, Advocate SR.No.84786

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W.P(MD) No.10616 of 2017

30.10.2017