



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

W.P.(MD)No.12407 of 2017

and

W.M.P(MD).No. 9545 of 2017

L.Srinivasan

...Petitioner/Petitioner

-Vs-

1.The Managing Director/General Manager
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Dukar Tower,
Marsal Salai,
Chennai 600 008.

2.The Special Tahsildar,
Tamilnadu Cable TV Corporation Ltd.,
Trichy District.

...Respondents/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 relating to the impugned demand notice in Letter No.D12/23507/2013 dated 27.04.2017 passed by the 1st respondent and quash the same and consequently direct the 1st and 2nd respondents not to disturb the petitioner's network, when he is receiving signal from an DAS licensed MSO and cause any hindrance to the petitioner cable Network in the name of MSR Cable Vision, Kottathur, Duraiyur Taluk, Trichy District.

For Petitioner : Mr.B.Prasanna Vinoth
For Respondents :Mr.S.Gunasekaran

O R D E R

Challenging the impugned order passed by the first respondent in his Proceedings No.D12/23507/2013, dated 27.04.2017, the present writ petition has been filed.

2. The case of the petitioner is that he is running Cable T.V Business at Thuraiyur Taluk, Trichy District as authorized Local Cable Operator (LCO) by the first respondent. For only one week the petitioner received signal from the first respondent corporation and continuously he was not provided signal by the first respondent. Thus, without receiving any signal from the first respondent, the petitioner had paid about Rs.92,000/- to the first respondent Corporation. While so, the first respondent issued impugned notice No.D12/23507/2013, dated 27.04.2017 in violation of Principles of



natural justice stating that there is arrear of subscription amount of Rs.8,34,471/- and the same amount should be paid shortly, otherwise the petitioner's cable connection will be disconnected. Aggrieved over the said order, the present writ petition has been filed.

3.Mr.G.Gunasekaran, learned Standing Counsel appearing for the respondents would strongly oppose the prayer sought for in the writ petition, contending that the petitioner has not paid rent regularly and still the petitioner has to pay arrear subscription amount of Rs.8,34,471/-.

4.In similar writ petitions in W.P(MD).No.15573 and 17997 of 2015 dated 07.11.2016, this Court has passed the following order:

"4.In view of the above submission made by the learned Standing Counsel for the respondents, the petitioners are directed to approach the third respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited and submit relevant records along with his objection. On receipt of such objections and relevant records, the third respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited is directed to conduct an enquiry and consider all the materials filed by the petitioners and pass suitable 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. Till then, the interim order, if any, already granted is extended".

5.Following the same, without going into the merits of the case, this Court directs the petitioner to approach the second respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited and submit relevant records. On receipt of such relevant records, the second respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited shall conduct an enquiry and consider all the materials filed by the petitioner and pass suitable 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. Till then, the respondents are directed to maintain status quo as on date.

6.Accordingly, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S.B.PRASANNA VINOTH, Advocate SR.No.76287

+1cc to M/S.S.GUNA SEKARAN, Advocate SR.No.76307

msa

MAS/MR-KKR/SAR2:22.09.2017:2P-3C

W.P. (MD) No.12407 of 2017
and