



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P (MD) No. 12925 of 2017

and

WMP (MD) No. 10002 and 10003 of 2017

S. Devasenapathi

: Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dugar Towers,
Marshels Road,
Egmore, Chennai - 600 008.

2. The Deputy Manager/ Special Thasildar,
Tamil Nadu Aarasu Cable TV Corporation Ltd.,
Theni, Theni Taluk Office,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the impugned demand notice in No. 007461/24411/2017/66, dated 21.06.2017 passed by the 1st respondent and quash the same.

For Petitioner

: Mr. B. Prasanna Vinoth

For Respondents

: Mr. S. Gunasekaran

O R D E R

This writ petition is filed challenging the impugned demand notice, dated 21.06.2017 passed by the 1st respondent.

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

3. The petitioner would claim that the petitioner is a Local Cable TV operator in the name and style of Hitec Cable. The petitioner, originally while registering with the respondents showed 850 customer points, but subsequently the respondents without conducting survey, increased the consumer point. Further, the respondent is not providing signals properly and also without conducting any enquiry, passed the impugned order in violation of TRAI regulations.



4.Mr.S.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 subscription amount of Rs.4,59,612/-.

5.In similar writ petitions in W.P.(MD) Nos.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 second 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 second 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."

6.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 and submit relevant records. On receipt of such relevant records, the second respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation 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 eight 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.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(ADII)

/True Copy/



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Egmore, Chennai - 600 008.

2.The Deputy Manager/ Special Thasildar,
Tamil Nadu Aarasu Cable TV Corporation Ltd.,
Theni, Theni Taluk Office,
Theni District.

+One cc to Mr.B.Prasanna Vinoth, Advocate, SR.No.78066

+One cc to Mr.S.Gunasekaran, Advocate, SR.No.77736

er
RL/5C/3P/KP/SAR1/25/9/2017

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