



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM
W.P. [MD].No.13049 of 2017

S.Murugan

: Petitioner

Vs.

1. The General Manager (Administration)
(District Revenue Officer)
Tamil Nadu Arasu Cable TV Corporation Ltd,
11/22, Mangkadusamy Street,
Nungambakkam,
Chennai - 600 0034.

2. The Post Master,
Head Post Office,
Tenkasi,
Tirunelveli District.

3. The Deputy Manager /Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Tirunelveli District.

4. The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

: 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 order 28.04.2017 made in his proceedings Order No. DMS-2/8778/2016 issued by the 1st respondent and quash the same and consequently, direct the 1st respondent to issue license for local cable operator in Pavoorchathiram, Tenkasi Taluk, Tirunelveli District.

For Petitioner
For Respondents

: Mr. V.Sasikumar
: Mr.S.Gunasekaran
for R 1 and R 3
: Mr.P.Dharmaraj
for R 2
: Mr.G.Muthu Kannan
Government Advocate, for R 4

**O R D E R***********

The present Writ Petition has been filed challenging the order passed by the first respondent in his proceedings No. DMS-2/8778/2016, dated 28.04.2017 and for a direction to the first respondent to issue licence for local Cable Operator in Pavoorchathiram in Tenkasi Taluk in Tirunelveli District.

2. Heard Mr.V.Sasikumar, learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Standing counsel appearing for the respondents 1 and 3, Mr.G.Muthukannan, learned Government Advocate, appearing for the respondent 4.

3. According to the petitioner, he submitted an application in form No. 1 and Form No.2, seeking to register his name as Cable Operator, which was allowed on 20.09.2016 and his registration number is 732. Thereafter, he applied for licence of Local Cable Operator for Pavoorchathiram. However, it was rejected mainly on the ground that a complaint was pending against the petitioner.

4. Mr.V. Sasikumar, learned counsel for the petitioner would submit the impugned order came to be passed by the first respondent on the report submitted by the third respondent, the Special Tahsildar. It is further contended that before sending the report, the second respondent has not provided an opportunity to explain the case of the petitioner. Therefore it is in violations of the principle of natural justice. It is further contended that the petitioner is having ample evidence to get a licence in his favour and is ready to produce those document before the respondents.

5. Per contra, the learned Standing Counsel for the respondents 1 to 3 would submit that based on the report dated 27.03.2017, submitted by the third respondent, the Special Tahsildar, the Managing Director of the Corporation passed further orders. As per the order, the first respondent has passed the impugned order. The learned Standing counsel vehemently contended that the order impugned in this writ petition does not suffer any infirmity and therefore prays for dismissal of the writ petition.

6. It is an admitted fact that the impugned order was passed by the first respondent based on the report submitted by the third respondent dated 27.03.2017 and there is no material to show that the third respondent heard the petitioner and afforded opportunity to produce materials in support of his case.

7. According to the petitioner there is no complaint pending against him and he is having list of subscribers and other materials to get a licence in his favour and he is ready to furnish all those documents to the third respondent.



8. Considering the facts of the case and in the interest of justice, the order impugned in this writ petition is set aside and the case is remanded back to the second respondent to pass orders afresh. The third respondent shall conduct enquiry and send report a report after providing opportunity to the writ petitioner, to the first respondent, who in turn shall pass orders on merits and in accordance with law. Such exercise shall be completed within a period of the six weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is allowed. No Costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

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Pavoorchathiram Police Station,
Tirunelveli District.

+1 CC to M/s.V.SASIKUMAR, Advocate, SR No. 68009.

+1 CC to M/s.S.GUNASEKARAN, Advocate, SR No. 67786.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 68696.

DSK/SSS

PSM/JC/SAR1/23.08.2017/3P/8C

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