



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.15626 of 2017

and

W.M.P. (MD) No.12353 of 2017

1.A.Navaneethakrishnan
2.M.Muthusuresh
3.M.Sivakumar
4.V.Kannan
5.V.Murugan

...Petitioners

-Vs-

1.The Managing Director,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
No34 (1234) Marshalls Salai,
Egmore, Chennai-600 008.

2.The Deputy Manager/ Special Tahsildar,
Tamilnadu Government Cable TV Corporation,
Theni.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent herein to permit the petitioners also to participate in the enquiry in connection with enquiry letter No.B 12/28510/13 dated 08.08.2017.

For Petitioners : Mr.P.Mahendran

For Respondents : Mr.S.Gunasekaran,
Standing Counsel.

ORDER

The prayer in the Writ Petition to issue a Writ of Mandamus directing the first respondent to permit the petitioners to participate in the enquiry.

2.By consent of both parties the writ petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioners is that the petitioners along with five others have formed a partnership firm in the name and style of Theni Cable Network. Subsequently District Cable Operator license was obtained in the name of one Mr.S.Chinnathurai.

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4.Since the licensee gave a letter to the first respondent for withdrawal of the license, the show cause notice was issued. Challenging the show cause notice W.P(MD)No.12240 of 2017 was filed by the licensee.

5.Since there was a proposal to issue license in the name of one Mr.Lakshmanan, another writ petition was filed in W.P.(MD) No.13610 of 2017. While disposing the Writ Petition, this Court directed the respondents to hear all the interested parties before passing orders.

6.The grievance of the petitioner is that the first respondent has commenced enquiry based on the direction issued in the earlier writ petition, but the respondent issued notice only to Mr.Chinnathurai and Mr.Kalyanasundaram. Since the petitioners are interested parties, they have to be allowed to participate in the enquiry proceedings.

7.Heard P.Mahendran, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, the learned Standing Counsel appearing for the respondents.

8.The learned Standing counsel appearing for the respondents would submit that the petitioners have nominated Mr.Chinnathurai to get license for the partnership firm and therefore they are not necessary parties and need not be given opportunity to participate in the enquiry proceedings.

9.It is further submitted that enquiry notice has been issued on 08.08.2017 and enquiry is being conducted today i.e.18.08.2017. It is further submitted that the licensee namely Mr.Chinnathurai did not participate in the enquiry proceedings, but the Tahsildar, Technical Assistants and Assistant Technical Assistant only participated in the enquiry proceedings.

10.Considering the facts of the case and the order passed in the earlier Writ Petition, this Court directs the respondents to permit the petitioners to participate in the enquiry proceedings, before the General Manager, Tamil Nadu Arasu Cable TV Corporation Limited. The petitioners are directed to appear before the enquiry committee on 24.08.2017. On such compliance, the respondents shall afford opportunity to the petitioners and pass orders in accordance with law.



11. With the above direction this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

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Sub Assistant Registrar.

To

1. The Managing Director,
Tamilnadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
No34 (1234) Marshalls Salai,
Egmore, Chennai-600 008.
2. The Deputy Manager/ Special Tahsildar,
Tamilnadu Government Cable TV Corporation,
Theni.
3. The General Manager,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
No34 (1234) Marshalls Salai,
Egmore, Chennai-600 008.

+1CC to Mr.P.Mahendran, Advocate, SR.No. 73127

+1CC to Mr.S.Gunasekaran, Advocate, SR.No. 73170

W.P. (MD) No.15626 of 2017

18.08.2017

dss/dsk

JM/SV MMS/SAR 2/23.08.2017/3P/6C