



K BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2017

CORAM:

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THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM

W.P(MD) .No.17350 of 2017

and

W.M.P(MD) .Nos.13886 and 13887 of 2017

D.S.Syed Hussain

... Petitioner

Vs.

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

2.The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned demand notice in No.007461/10060/2017/66 dated 21.06.2017 passed by the first respondent and quash the same.

For Petitioner

: Mr.B.Prasanna Vinoth

For Respondents

: Mr.S.Gunasekaran
Special Government Pleader

ORDER

Challenging the impugned order passed by the first respondent in his proceedings No.007461/10060/2017/66 dated 21.06.2017, the present writ petition has been filed.

2.The petitioner would claim that the petitioner is a Local cable TV Operator. The petitioner, originally while registering with the respondents, had registered showing 480 customer points. Subsequently, the number of customer points was increased to 848. Now, the petitioner has only 648 points.



3.The petitioner would further claim that the second respondent is not providing signals properly and also without conducting any survey, passed the impugned order in violation of TRAI regulations.

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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.4,10,007/-.

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 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 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. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(RTI)



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To

1.The Managing Director,
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34/123, 6th Floor,
Dukar Tower , Marsal Salai,
Chennai-600 008.

2.The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Sivagangai District.

+One cc to Mr.S.Gunasekaran, Advocate, SR.No.78718

+One cc to The Mr.B.Prasanna Vinoth, Advocate, SR.No.78959

skn
RL/5C/3P/KP/SAR1/15/11/2017

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