

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 15.09.2017

CORAM:

WEB COPY

THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM**W.P(MD) .No.17410 of 2017****and****W.M.P(MD) .Nos.13938 & 13939 of 2017**

T.Murugesan

... 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.,
Tirunelveli 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 proceedings No.007461/18171/2017/66 dated 21.06.2017 passed by the first respondent and quash the same.

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

ORDER

Challenging the impugned order passed by the first respondent in his proceedings No.007461/18171/2017/66 dated 21.06.2017, the present writ petition has been filed.

2. The case of the petitioner is that he is running Cable T.V Business at Main Road, Vasudevanallour, Sivagiri Taluk, Tirunelveli District as authorized Local Cable Operator (LCO) by the respondents. In the month of October 2015, due to expansion of the Tirunelveli to Sankarankovil Highway the optic fiber wire which provided signal, was disconnected and signal was not given to the petitioner by the respondents. Thereafter, no signal was



provided. While so, the second respondent issued impugned notice No.007461/18171/2017/66 dated 21.06.2017 in violation of Principles of natural justice stating that there is arrears of subscription amount of Rs.2,40,330/- and the same amount should be paid within three weeks 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 subscription amount of Rs.2,40,330/-.

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 petitions are closed. No costs.

Sd/-

Assistant Registrar(AD-II)



To

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.,
Tirunelveli District.

+1cc to M/S. B.PRASANNA VINOTH, Advocate, SR.No.79206.

+1cc to M/S. S.GUNA SEKARAN, Advocate, SR.No.79513.

W.P (MD) .No.17410 of 2017
15.09.2017

vsg/skn

SDS/KK/SAR 1/05.10.2017/3P/5C