



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)Nos.17772 of 2017

and

W.M.P(MD)Nos.14317 and 14318 of 2017

J.Parthiban

... Petitioner

Vs.

1. The Managing Director,
Arasu Cable TV Corporation Limited,
No.34 /123, 6th Floor,Dukar Tower,
Marsal Salai,Chennai-600 008.

2. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Limited,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,praying this Court to issue a writ of Certiorari calling for the records relating to the impugned demand notice in proceedings No.007461/10220/2017/66 dated 21.06.2017 passed by the first respondent and to quash the same.

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

ORDER

Challenging the order passed by the first respondent in his proceedings No.007461/10220/2017/66 dated 21.06.2017, the present writ petition has been filed.

2.The case of the petitioner is that he is a Cable TV Operator and he got signal service from the respondents. He would further claim that in the year 2011, he was having 400 customer points, subsequently, the respondents demanded for 563 customer points, so he made objections. The respondents thereafter informed the petitioner to pay subscription to all the customer points. Accordingly, he had paid three months advance amount for all customer points. Since in the year 2012 the fiber wire was cut and stolen, signal was disconnected, but so far no new line is laid.



So far he paid the entire subscription amount. The petitioner would further claim without conducting any survey, the second respondent passed the impugned order in violation of TRAI regulations.

3. 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.1,04,631.00/-.

4. 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."

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 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.

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

Sd/-

Assistant Registrar (P&A)

/True copy/



To

1. The Managing Director,
Arasu Cable TV Corporation Limited,
No.34 /123, 6th Floor,Dukar Tower,
Marsal Salai,Chennai-600 008.

2. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Limited,
Pudukkottai District.

+ 1 CC TO MR.B.Prasanna Vinoth, ADVOCATE IN SR No.80310

+ 1 CC TO MR.S.Gunasekaran, ADVOCATE IN SR No.80156

vsn

MK/MR KKR/SAR-2/06.10.2017/3P/5C

W.P. (MD) Nos.17772 of 2017
20.09.2017