



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.19342 of 2017

and

W.M.P. Nos.15653 & 15654 of 2017

M.Subburaj

... 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 filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned demand notice in proceedings No.007461/25259/2017/66 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 order passed by the first respondent in Proceedings No.007461/25259/2017/66 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 220 customer points and subsequently, the respondents demanded to increase to 242 customer points, thereby informed the petitioner to pay subscription for all customer points. Accordingly, he had paid three months advance amount for all customer points. All of a sudden, the signal was disconnected and not yet been restored, so far. According to the petitioner, without conducting any survey, the second respondent has passed the impugned order demanding a sum of Rs.1,06,065/-, which is



in violation of TRAI regulations and hence, the petitioner is before this Court.

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.1,06,065/-.

4. This Court, while dealing with the similar issue in the case of G.Arivazhagan Vs. 1.The Managing Director, Arasu Cable TV Corporation Limited, No.34 /123, 6th Floor,Dukar Tower, Marsal Salai, Chennai - 600 008. and another, in W.P.(MD)No.15068 of 2017, had passed an order dated 10.08.2017, wherein, it is held as follows:

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."

5.Following the same, this Court, without going into the



merits of the case, directs the petitioner to approach the second respondent / Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Ltd., and submit relevant records, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such relevant records, the second respondent / Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Ltd., 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, thereafter. Till then, the respondents are directed to maintain status-quo as on date.

6. This Writ Petition is disposed of, as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

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 Arasu Cable TV Corporation Limited,
Tiruchirappalli District.
- + 1 CC TO Mr.AN.RAMANATHAN, ADVOCATE IN SR No. 82819
+ 1 CC TO Mr.S.GUNA SEKARAN, ADVOCATE IN SR No. 82754

GK
TE/KP/SAR-I : 01/11/2017 : 3P/5C

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