



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20322 of 2017

and

W.M.P.(MD) No.16591 of 2017

Yalini TV
Rep. by its Sole Proprietor
C.V.Thangaiyan
S/o.C.Vadivel
No.95C, High School Road,
Pattukkottai - 614 602
Thanjavur District.

... Petitioner

Vs.

1. The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Durga Towers,
Marshal Salai,
Chennai - 600 008.
2. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned notice in Na.Ka.528 of 2017 dated 27.10.2017 issued by the second respondent and quash the same.

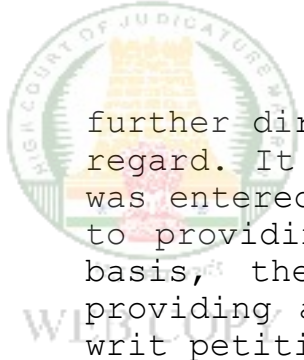
For Petitioner : Mr.B.Prasanna Vinoth

For R1 & R2 : Mr.S.Gunasekaran, Standing Counsel

O R D E R

By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

2. The petitioner, who is a cable TV operator registered with the first respondent, is before this Court, questioning the impugned notice of the second respondent dated 27.10.2017, vide which, the petitioner was directed to stop providing signal to private MSOs and



further directed the petitioner to file their detailed reply in this regard. It is the specific case of the petitioner that no agreement was entered into, between them and the first respondent, with regard to providing signal service to private MSOs, whereas, without any basis, the present impugned order came to be passed, without providing any opportunity to the petitioner and hence, the present writ petition came to be filed.

3. On the other hand, Mr.S.Gunasekaran, learned Standing Counsel, who takes notice for the respondents, on instructions, submitted that the petitioner was providing signal service to private establishments and thus violated the terms and conditions stipulated in the license. Therefore, the authorities have passed the impugned notice, seeking necessary explanation from the petitioner in this regard.

4. This Court is not inclined to go into the merits of the case, at this juncture, since the order impugned in this writ petition is nothing but a show cause notice, for which, the petitioner is expected to submit their reply. Under such circumstances, this writ petition is disposed of, directing the petitioner to submit their reply before the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on such filing, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and all the interested parties, if any, within a period of four weeks, thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Durga Towers,
Marshal Salai, Chennai - 600 008.
2. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd., Thanjavur District.

+One cc to Mr.B.Prasanna Vinoth, Advocate, SR.No.85159

+One cc to Mr.S.Gunasekaran, Advocate, SR.No.85210

rm

RL/5C/2P/KK/SAR2/16/11/2017

W.P(MD) No.20322 of 2017