



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.24993 of 2016

and

W.M.P (MD) No.18081 of 2016

R.Gurunathan

.. Petitioner

vs.

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
Dugar Towers,
No.34/123, 6th floor,
Marshalls Road,
Egmore, Chennai - 600 008.

2.The Deputy Manager/Special Thasildar,
Tamil Nadu Arasu Cable TV,
15-A Forest Road,
N.R.T. Nagar Main Road,
Theni.

3.The Inspector of Police,
Town Police Station,
Bodinaickanoor,
Theni District.

4.Pitchai Mani

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.27/2016/Tha. A.K.TV, dated 06.10.2016 and quash the same.

For Petitioner : Mr.V.R.Venkatesan for
M/s A.Hafiza

For Respondents : Mr.S.Satheshkumar
Addl. Govt. Pleader

O R D E R

This writ petition is filed challenging the communication, dated 06.10.2016, wherein and whereby the petitioner was intimated that he has exceeded the area earmarked for his cable TV operation and he confines himself within his area of operation, the license granted to him will be cancelled.



2. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation pursuant to the communication, dated 06.10.2016 and therefore, the respondent may consider the said representation and pass final order.

WEB COPY

3. On the other hand, the learned counsel appearing for the respondents, based on instructions, submitted that the very communication impugned in this writ petition came to be passed only after conducting a peace committee meeting and also an enquiry in the area and therefore, there is no question of saying that the petitioner was not given any opportunity.

4. After hearing the learned counsels appearing on either side, this Court is of the view that the present communication itself is not an order and on the other hand, it is only a communication intimating that the petitioner has exceeded his area of operation and consequently stating that the action will be initiated for cancelling the license, if he does not confine within his area of operation. Therefore, needless to say that a final order has to be passed, if the respondents are satisfied that the petitioner has not confined within his area of operation. Needless to say further that before passing final order, the official respondents shall also consider the representation made by the petitioner dated 24.10.2016 also after hearing the fourth respondent. Therefore, I consider that the present writ petition challenging the impugned communication is premature and hence, cannot be maintained.

5. Accordingly, the same is dismissed, however, with liberty to the petitioner to challenge the final order if any passed against him in a manner known to law. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

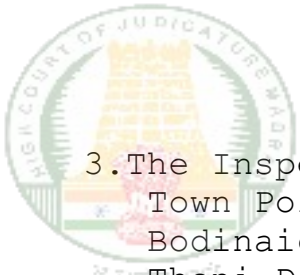
Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
Dugar Towers, No.34/123, 6th floor,
Marshalls Road, Egmore, Chennai - 600 008.

2.The Deputy Manager/Special Thasildar,
Tamil Nadu Arasu Cable TV,
15-A Forest Road, N.R.T. Nagar Main Road,
Theni.



3.The Inspector of Police,
Town Police Station,
Bodinaickanoor,
Theni District.

WEB COPY

+1cc to M/s.A.Hafiza, Advocate in SR.1094

+1cc to the Special Government Pleader, in SR.1686

W.P (MD) No.24993 of 2016

and

W.M.P (MD) No.18081 of 2016

05.01.2017

skn

PBK/EM-MPA 25/01/2017 ::3P-6C: