

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.16399 of 2013
& M.P.Nos.1 & 2 of 2013

R.Arivanban

... Petitioner

Vs.

The Revenue Divisional Officer,
Cheyyar, Tiruvannamalai District.

... Respondent

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned notice dated 16.05.2013 issued by the respondent in his office ref.Na.Ka.A3/6352/12, quash the same and forbear the respondent from taking any coercive action against the petitioner pursuant to the said impugned notice.

For Petitioner : Mr.P.Mani

For Respondent : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

2. The petitioner challenges the demand of arrears of subscription fee of Rs.30,00,000/-, by the respondent in the impugned notice, dated 16.05.2013.

3. The case of the petitioner is that he is a Multi System Operator (MSO) under the Tamil Nadu Cable TV Corporation Ltd. and his registration number is 11180. The petitioner stated that before the formation of Tamil Nadu Cable TV Corporation Ltd. in the year 2011, the petitioner was operating Cable TV Network in his Village and after establishing Tamil Nadu Cable TV Corporation Ltd. on 02.09.2011, the petitioner is operating as an MSO.

4. The further case of the petitioner is that the Local Cable TV Operators have been remitting the monthly subscription directly to the Tamil Nadu Cable TV Corporation, hence, the petitioner has no role in the collection of monthly subscription. While so, the respondents issued the impugned notice, demanding Rs.30,00,000/-.

5. The learned counsel for the petitioner submitted that the respondent without issuing any notice and conducting enquiry passed the impugned order in violation of the principles of natural justice, and that after receipt of the impugned order, the petitioner submitted his explanation / representation on 03.06.2013, which was also not considered by the respondent.

6. The learned Special Government Pleader submitted that there is no proof for submitting explanation by the petitioner dated 03.06.2013.

7. The impugned order has been challenged mainly contending that the petitioner was not given an opportunity of hearing before passing the impugned order. The specific case of the petitioner is that he is only an MSO and the Local Cable TV Operators have been remitting prescription fee directly to the Tamil Nadu Cable TV Corporation. The receipt for the payment of the prescription fee by the Local Cable TV operators have been annexed in the typed set of papers filed along with the Writ Petition.

8. In the light of the above facts, in my considered opinion, the order impugned in this Writ Petition is liable to be set aside on the ground of violation of principles of natural justice. Accordingly, it is set aside and the matter is remitted back to the respondent, who shall pass orders afresh, after providing an opportunity of hearing to the petitioner, in accordance with law.

9. In fine, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

pvs

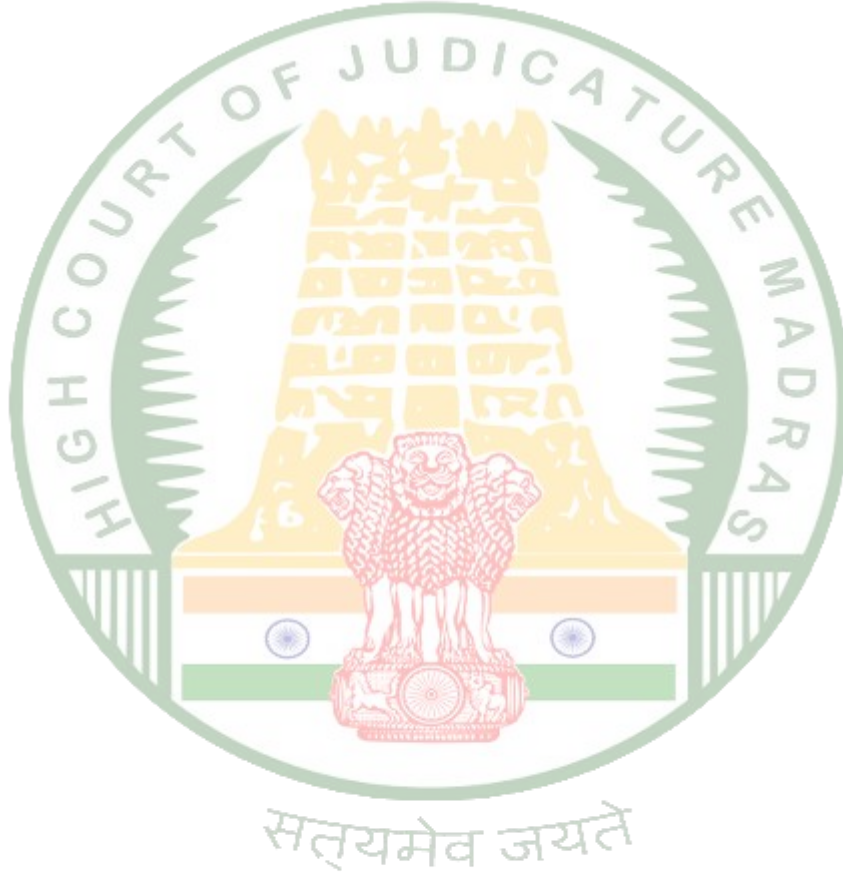
To

The Revenue Divisional Officer,
Cheyyar, Tiruvannamalai District.

+1cc to Mr.P.Mani, Advocate, S.R.No.25021
+1cc to the Government Pleader, S.R.No.25933

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