



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.21478 of 2018

and

W.M.P.(MD) Nos.19367 & 19368 of 2018

S.R.Chandrasekar

... 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 / Deputy Manager

Tamil Nadu Cable TV Corporation Ltd.,
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned demand notice in Na.Ka.No.11/2018/TACTV/TNV dated 18.09.2018 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.B.Pugalendhi

Additional Advocate General

Assisted by Mr.A.Muthu Karuppan

Additional Government Pleader

O R D E R

Under similar circumstances, the learned Judge of this Court disposed of the writ petition in W.P.(MD) No.16304 of 2017, vide order 30.08.2017. The order of the learned Judge is reproduced hereunder:

"Challenging the impugned order passed by the first respondent in his proceedings No.007461/48612/2017/66 dated 21.06.2017, the present writ petition has been filed.

2.The petitioner would claim that the petitioner is a Local cable TV Operator. The petitioner, originally while registering with the respondents, had registered showing 1000 customer points and all of a sudden in December 2012, the first respondent increased the petitioner's customer points to 1100 without any notice.

3.The petitioner would further claim that the second respondent is not providing signals properly and also without conducting any survey, passed the impugned order in violation of TRAI regulations.

4.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.12,79,119/-.

5. 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:

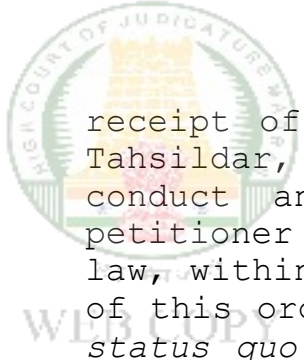
"4. In view of the above submission made by the learned Standing Counsel for the respondents, the petitioners are directed to approach the second respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited and submit relevant records along with his objection. On receipt of such objections 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."

6. 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 Limited and submit relevant records. On receipt of such relevant records, the second respondent/Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited 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.

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

2. Both the learned counsels submitted that the issue raised in the present writ petition is squarely covered by the above order passed by the learned Judge of this Court and therefore, the same directions may be issued in this case also.

3. Accordingly, without going into the merits of the case, the writ petition is disposed of with a direction to the petitioner to approach the second respondent / Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited and submit relevant records. On



receipt of such relevant records, the second respondent / Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited shall conduct an enquiry, 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 from the date of receipt of a copy of this order. Till then, the respondents are directed to maintain status quo, which is prevailing on date. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-I)

To:

- 1.The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor, Dukar Tower,
Marsal Salai, Chennai-600 008.
- 2.The Special Tahsildar / Deputy Manager,
Tamil Nadu Cable TV Corporation Ltd.,
Tirunelveli District.

+1cc to Mr.B.Prasanna Vinoth, Advocate, SR.No.90824

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KRK

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