



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.240 of 2018

and

W.M.P.(MD)Nos.240 and 241 of 2018

R.Varatharajan

... Petitioner

Vs.

1.The Managing Director,  
Arasu Cable TV Corporation Ltd.,  
34/123, 6<sup>th</sup> Floor, Dukar Tower,  
Marshals Road, Chennai-600 008.

2.The Special Tahsildar,  
Tamil Nadu Cable TV Corporation Ltd.,  
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned demand notice in proceedings No.007461/48150/2017/66 dated 21.06.2017 passed by the first respondent and quash the same.

|                 |                    |
|-----------------|--------------------|
| For Petitioner  | : Mr.AN.Ramanathan |
| For Respondents | : Mr.Gunasekaran   |

ORDER

This Writ Petition has been filed, challenging the impugned demand notice issued to the petitioner directing the petitioner to pay a sum of Rs.6,16,023/- towards the arrears of subscription to the petitioner.

2.According to the petitioner, he is the Local Cable Operator affirmed by the respondents. The petitioner is getting signals from the respondents and he is regularly paying subscription to the respondents and for certain periods the respondents did not give signals to the petitioner. For that period the petitioner is not liable to pay any subscription, but the respondents included the period, for which no signals is provided to the petitioner and directed the petitioner to pay the arrears to the respondents. In the above circumstances, the petitioner made a representation to the respondent but without considering the representation, the respondents passed the impugned demand notice.

3.The learned counsel appearing for the petitioner would submit that in a similar circumstances to the similarly placed persons in W.P.(MD)Nos.15573 and 17997 of 2015 dated 07.11.2016 this Court passed an order as follows:-

<https://hcservices.ecourts.gov.in/hcservices/> 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 Arusu 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 Arusu 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."

4.Considering the fact that the petitioner is also the similarly placed Local Cable Operator, similar order can be passed in this Writ Petition also. Hence, this Court is inclined to pass the following order:-

"The petitioner is directed to approach the second respondent/Special Tahsildar, Tamil Nadu Arusu Cable TV Corporation Limited and submit relevant records. On receipt of such relevant records, the second respondent/Special Tahsildar, Tamil Nadu Arusu Cable TV Corporation Limited shall conduct an enquiry and consider all the materials filed by the petitioner and pass suitable order 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.With the above directions, the writ petition is disposed of. No costs. Consequently, W.M.P.(MD)Nos.240 and 241 of 2018 are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Managing Director,  
Arasu Cable TV Corporation Ltd.,  
34/123, 6<sup>th</sup> Floor, Dukar Tower,  
Marshals Road, Chennai-600 008.
- 2.The Special Tahsildar,  
Tamil Nadu Cable TV Corporation Ltd.,  
Ramanathapuram District.

+1cc to M/S.Gunasekaran, Advocate SR.No. 44107

+1cc to M/S.B.Prasanna Vinoth, Advocate SR.No. 43690

W.P (MD) No.240 of 2018