



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

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THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.9419 OF 2018

AND

W.M.P.NO.11239 OF 2018

Kathiroli

...Petitioner

Vs

1. Tamilnadu Arasu Cable TV Corporation Ltd.,
Rep. By its Managing Director,
Tuhar Towers, 6th Floor,
No.34, (Old No.123), Marshalls Road,
Egmore, Chennai - 600 008.
2. Deputy Manager/Special Tahsildar,
Tamilnadu Arasu Cable TV Corporation Ltd., (TACTV)
Kanchipuram Taluk and District.
3. The Post Master,
Kanchipuram Head Office
Kanchipuram - 631 501
4. Maheswari

... Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings / order of the 1st respondent pertaining to his proceedings dated 19.02.2018 and quash the same and also to direct the respondents one and two to restore the license LCO No.50318 granted to the petitioner vide order dated 16.11.2017 in No.B1/4555/2017.

For Petitioner	:	Mr.V.Raghupathi
For R1 & R2	:	Mr.Abdul Saleem
		Standing counsel
For R3	:	No Appearance
For R4	:	Mr.S.Prabhu
		Standing counsel



ORDER

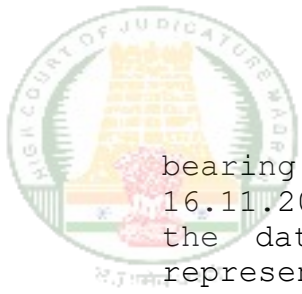
The present Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings / order of the 1st respondent pertaining to his proceedings dated 19.02.2018, quash the same and consequently to direct the respondents 1 and 2 to restore the license LCO No.50318 granted to the petitioner vide order dated 16.11.2017 in No.B1/4555/2017.

2.The case of the writ petitioner is that her husband was a license holder of LCO, issued by the 1st respondent. The petitioner's husband had passed away on 10.02.2013 and thereafter the petitioner being the wife of the deceased, has made an application in the year 2017 to transfer the license in her name. Pursuant to her application, temporary license was issued to the petitioner on 16.11.2017 by the 1st respondent. However, the same was cancelled vide order dated 19.02.2018 stating that the petitioner's husband had sold the Cable TV trade to Manohar and Kamaraj on 10.07.2017 itself and hence, the 1st respondent cancelled the temporary license issued in favour of the petitioner and allotted the same in favour of the 4th respondent.

3.Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1, 2 & 4 and perused the materials available on records.

4.From the perusal of the records, it is seen that the petitioner's husband had passed away on 10.02.2013 and a temporary license was issued in favour of the petitioner on 16.11.2017, while so, the first respondent vide impugned proceedings dated 19.02.2018, has cancelled the temporary LCO issued in favour of the petitioner on the ground that her husband had already sold the Cable TV trade to Manohar and Kamaraj on 10.07.2017. The first respondent passed the impugned proceeding without proper verification of the fact that the husband of the petitioner passed away as early as on 10.02.2013 itself and selling of Cable TV trade in favour of Manohar and Kamaraj on 10.07.2017 does not arise, since on the said date, the husband of the petitioner was no more. Therefore, it appears that the first respondent has passed the impugned proceeding with non-application of mind and the same is liable to be quashed.

5.In view of the above, the Writ Petition is allowed and the impugned proceeding of the first respondent dated 09.02.2018 is hereby quashed. The petitioner is directed to make a representation to the respondent seeking to restore the license



bearing No.LCO No.50318 granted to her vide order dated 16.11.2017 in No.B1/4555/2017 within a period of two weeks from the date of receipt of a copy of this order and on such representation being made by the petitioner, the respondent is directed to consider and pass appropriate order in accordance with law within a period of three weeks thereafter.

6.With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Post the matter on 04.01.2022, for reporting compliance.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Managing Director,
Tamilnadu Arasu Cable TV Corporation Ltd.,
Tuhar Towers, 6th Floor,
No.34, (Old No.123), Marshalls Road,
Egmore, Chennai - 600 008.
2. The Deputy Manager/Special Tahsildar,
Tamilnadu Arasu Cable TV Corporation Ltd., (TACTV)
Kanchipuram Taluk and District.
3. The Post Master,
Kanchipuram Head Office
Kanchipuram - 631 501.

+1cc to M/s.V.Raghupathi, Advocate, S.R.No.59677

+1cc to M/s.S.Prabhu, Advocate, S.R.No.60177

W.P.No.9419 of 2018
and W.M.P.No.11239 of 2018

KSM(CO)
RLP(02/12/2021)