



W.P.No.14516 of 2017 &
WMP.No.15744 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.14516 of 2017 &
WMP.No.15744 of 2017

Saraswathi

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
11/22, Mangadusamy Street,
Nungambakkam, Chennai – 600 034.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent in proceedings Na.Ka.No.117/2017 dated 29.05.2017 and quash the same.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.David Sunder Singh – R1

No appearance – R2



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ORDER

The petitioner claims to be a local cable operator since 1989 and challenges a communication dated 29.05.2017 issued by the Deputy Manager of the Tamil Nadu Arasu Cable TV Corporation Limited.

2. The Deputy Manager had issued notice dated 29.05.2017, levelling certain allegations against the petitioner in terms of the Cable Television Networks (Regulation) Act, 1995. The response of the petitioner to the allegations were solicited within 15 days from the date of receipt of that communication, under threat of seizing the equipment used in the cable TV office.

3. It is that communication that has come to be challenged on the ground that the authority who has issued the communication is not the proper authority under the Act to have initiated action for any violations committed under the Act. My attention is drawn to Section 2(a) which defines 'Authorized Officer' to mean only a District Magistrate, Sub-Divisional Magistrate or Commissioner of Appeals.



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4. Admittedly, the person who has issued the impugned communication is none of the aforesaid and is only a private employee of the Tamil Nadu Arasu Cable TV Corporation Limited (Company). The defense put forth on behalf of the respondents is that the impugned communication derives no power from the statute and is only in the nature of a legal notice that has been issued to the petitioner.

5. That is all well. However, the counter filed by Deputy Manager/Special Tahsildar/R2 refers to the Civil Procedure Code, 1908 in support of the impugned communication, which, in my considered view, is mis-conceived, in light of the admission now by the respondent counsel that the impugned communication is nothing but a private, legal notice.

6. In light of the narration as above, there is no reason to intervene. This writ petition is closed No costs. Consequently, connected miscellaneous petition is closed.

kbs

06.12.2022

Index : Yes / No
Speaking Order



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Dr.ANITA SUMANTH, J.

kbs

To

- 1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
11/22, Mangadusamy Street,
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- 2.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
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