



W.P.(MD)No.16873 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16873 of 2012

and

M.P.(MD)No.1 of 2012

M.Balasubramanian

... Petitioner

Vs.

1. Telecom Regulatory Authority of India,
represented by its Chairman
Maha Nagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi.

2. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
No.11/22, Mangadusami Street,
Nungambakkam, Chennai – 600 034.

3. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Karur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



W.P.(MD)No.16873 of 2012

records relating to the impugned order in proceedings No. 4304/TACTV/Legal/2012-5 dated 30.11.2012 passed by the second respondent and quash the same.

For Petitioner : Mr.B.Prasanna Vinoth
For R1 : Mr.N.S.Ponniah
For R2 : Mr.S.Sades Kumar
For R3 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein under which the online registered number of the writ petitioner has been cancelled on the ground that the petitioner has created false record and he has taken illegal cable connection from the main line, instead of, from the control room.

2. As per the impugned order, the writ petitioner is not the existing cable operator. The impugned order is under challenge mainly on the ground that the second respondent has passed the present



W.P.(MD)No.16873 of 2012

impugned order without issuing any notice to the writ petitioner. That apart, he contended that he is the cable TV operator and contended that he was issued with license from the Post Master. Hence, the observation in the impugned order that he is not the cable operator is not correct.

3. The learned Counsel for the petitioner has further submitted that he has not illegally taken any line and he is the authorized cable TV operator.

4. However, the learned Counsel appearing for the respondents has contended that certain allegations as against the writ petitioner are that he has drawn illegal connection and his license has been cancelled.

5. Heard both the parties.

6. Admittedly, the impugned order has been passed by the second respondent herein without issuing a show cause notice. The allegations in the impugned order are serious in nature and having civil



W.P.(MD)No.16873 of 2012

consequences. Hence, the impugned order which has been passed without issuing a show cause notice is not sustainable in law.

7. In view of the above said facts, the impugned order is set aside. The matter is remitted back to the file of the second respondent herein for fresh consideration.

8. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2022

Index : Yes / No
Internet : Yes / No
jbr



W.P.(MD)No.16873 of 2012

To

WEB COPY

1. Telecom Regulatory Authority of India,
represented by its Chairman
Maha Nagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi.
2. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
No.11/22, Mangadusami Street,
Nungambakkam, Chennai – 600 034.
3. The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Karur.



WEB COPY



W.P.(MD)No.16873 of 2012

R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD)No.16873 of 2012

14.07.2022