



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.4034 of 2022

and

W.M.P. (MD)No.3462 of 2022

Palanisamy

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
No.34 (123), 6th Floor, Dugar Towers,
Marshells Road, Egmore, Chennai-8.

2.The District Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dindigul District. ... Respondents

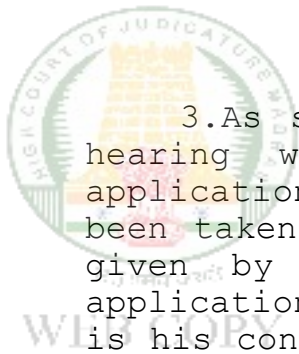
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent through his proceedings in Letter No.F2/907880/2021 dated 20.01.2022 and quash the same as illegal and consequently, to direct the respondents to give a new cable link to the petitioner by appointing him as a local cable operator for Neikarapatti, Palani Taluk, Dindigul District.

For Petitioner :Mr.D.Venkatesh
For Respondents :Mr.M.Lingadurai
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order, dated 20.01.2022 passed by the first respondent rejecting the petitioner's application requesting for grant of licence for operating as a Local Cable Operator at Neikarapatti, Palani Taluk, Dindigul District on the ground that there is no further requirements for appointment of Local Cable Operator at that place.

2.The petitioner has challenged the impugned order mainly on the ground of violation of principles of natural justice. According to him, without giving an opportunity of hearing, the first respondent has passed the impugned order rejecting the petitioner's application seeking for grant of license. It is the contention of the petitioner that the reason given by the first respondent for rejecting the petitioner's application is not true.



3.As seen from the impugned order, no opportunity of personal hearing was granted to the petitioner before rejecting the application seeking for grant of licence. A categorical stand has been taken by the petitioner in this Writ Petition that the reason given by the first respondent for rejecting the petitioner's application that there is no further requirements is not true. It is his contention that the first respondent has passed the impugned order based on the objection received from its distributor, who is admittedly is an employee under the first respondent.

4.The contentions of the petitioner raised in this Writ Petition have not been considered in the impugned order. If the petitioner was granted an opportunity of hearing before passing of the impugned order, the contentions raised by the petitioner in this Writ Petition could have very well been considered by the first respondent. Since no opportunity of hearing was granted to the petitioner, the said contentions have not been considered in the impugned order. The impugned order has been passed without affording any opportunity of hearing to the petitioner. Hence, this Court is of the considered view that the first respondent has violated the principles of natural justice before passing the impugned order. Therefore, this Court is of the view that the impugned order has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing as well as permitting him to produce the documents in support of his contentions.

5.For the foregoing reasons, the impugned order, dated 20.01.2022 passed by the first respondent rejecting the petitioner's application seeking for grant of licence as Local Cable Operator at Neikarapatti, Palani Taluk, Dindigul District, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce documents in support of his contentions. The first respondent is directed to pass final orders within a period of fourth months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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2.The District Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dindigul District.

Order made in
W.P. (MD)No.4034 of 2022
21.03.2022

PKP/28.03.2022/3P/3C