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W.P.(MD)NO.15401 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15401 of 2015 AND

M.P.(MD)Nos.1 & 2 of 2015

Saisiva @ Sivasubramanian

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
11/12, Mangadu Swamy Street,
Nungampakkam,
Chennai – 600 034.

2. The Deputy Manager /
Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
15A, Forest Road, Sivaji Nagar,
Theni, Theni District.

3. Muthuraaaja

(R-3 is impleaded vide order dated 01.09.2023
in M.P.(MD)No.3 of 2015)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.1507/D11/2015 dated 29.07.2014 served on 17.08.2015 on the file of the first respondent and quash the same.



For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 : Mrs.Annie Abinaya,
for Mr.David Sundar Singh.

For R-2 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner questions the demand made by the Tamil Nadu Arasu Cable TV Corporation. According to the Corporation, the petitioner has to pay a sum of Rs.77,00,000/- towards subscription arrears. The petitioner's case is that there was never any agreement between himself and the Corporation and that he did not receive any amount for service from the Corporation. The learned Standing counsel would rebut the argument by saying that during the period in question, Arasu Cable TV Corporation had monopoly and that therefore, the petitioner could not have acted as an independent MSO. Thus disputed questions of fact have arisen for consideration.



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3. It is seen that the impugned demand was raised straightaway without putting the petitioner on notice. On this sole ground, I set aside the impugned order. The matter is remitted to the file of the first respondent. The first respondent will issue notice to the petitioner. After receiving objections from the petitioner, personal enquiry shall be held. Thereafter, final order shall be passed by the first respondent.

4. With this liberty to the first respondent to proceed in the matter on merits, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

The Deputy Manager / Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
15A, Forest Road, Sivaji Nagar,
Theni, Theni District.



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W.P.(MD)NO.15401 OF 2015

G.R.SWAMINATHAN,J.

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