



W.P.(MD)No.12379 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.12379 of 2016

K.Anand

... Petitioner

versus

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dugar Towers,
Marshels Road,
Egmore,
Chennai – 600 008.

2. The Deputy Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
S.N.High Road,
Near Poombukar,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to direct the
respondents to fix the petitioner's customer points as 70% or less than
70% of 788 points as per their counting towards the monthly



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subscription and adjust the excess payment made by the petitioner for 825 points and serve the statement of accounts to the petitioner for making the monthly statement of accounts to the petitioner for making the monthly subscription towards carriage fee transmitted to Indian Cable Network (LCO.No.36579) at Pudhupatti Village, Alangulam Taluk, Tirunelveli District, based on the petitioner's representation dated 16.06.2016.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : M/s.J.Annie Abinaya
Standing Counsel

ORDER

The petitioner, a Cable TV Operator of the Tamil Nadu Arasu Cable TV Corporation Ltd., has filed this writ petition in the year 2016, for a Mandamus directing the respondents to fix his customer points as 70% or less than 70% of 788 points as per their counting towards the monthly subscription and adjust the excess payment made by him



for 825 points, by considering his representation dated 16.06.2016.

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2. The learned counsel for the petitioner submits that the petitioner was having 788 customer points, however, the respondents have fixed the customer points as 825 and they have also collected excess amount for 825 points from the petitioner. Therefore, the petitioner has made a request, by way of a representation dated 16.06.2016 and has also filed this writ petition to adjust the amount which has been collected in excess from him.

3. The learned Standing Counsel appearing for the respondents/the Tamil Nadu Arasu Cable TV Corporation Ltd., submits that the petitioner has initially registered himself as Local Cable TV Operator in the year 2011 that he is having 750 customer points. The Department has received a complaint that the petitioner/LCO has included number of customers for the purpose of payment of subscription. Therefore, they have conducted door-to-door enquiry and



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found that the petitioner was having 825 points. The petitioner has also admitted the same and paid the subscription for the entire 825 points till February 2018. The petitioner, having paid the amount upto February 2018, in order to evade further payments, has filed this writ petition. As on date of filing this writ petition, the petitioner was having arrears of Rs.82,500/-.

4. This Court considered the rival submissions made.

5. The Tamil Nadu Arasu Cable TV Corporation Ltd., is a Government Undertaking, providing Cable TV connections to the general public. The petitioner appears to have registered himself as Local Cable TV Operator and was also paying the subscription amount for the signals provided by the Tamil Nadu Arasu Cable TV Corporation Ltd. He claims that he had only 788 points, however, the respondents have demanded amount for 825 points. This is purely a disputed fact, which cannot be decided by the Writ Court. The



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petitioner can work out his remedy before the appropriate Civil Court by adducing evidence. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

08.12.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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