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W.P.(MD)NO.26849 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26849 of 2023

M.Nallathambi

... Petitioner

Vs.

1. The General Manager,
Bharat Sanchar Nigam Limited,
PT Rajan Road, Bibi Kulam,
Madurai – 625 002.

2. The Junior Engineer,
Bharat Sanchar Nigam Ltd.,
Oddanchatram,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refund the amount for a sum of Rs.6,000/- with interest within the stipulated time prescribed by this Court by considering the petitioner's representation dated 25.08.2023.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents: Mr.D.Shanmugaraja Sethupathi

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ORDER

Heard both sides.

2. The petitioner is 95 years old senior citizen. He has been enjoying land line connection with BSNL for the last several decades. The petitioner paid subscription for the current year also. However, he alleges that the land line connection was not working at all.

3. When he complained to the authorities, they responded as follows:-

“As per the underground cables from exchange are old and very damaged, it is hereby informed that further servicing and maintenance of your Landline/Broadband Number 04553-2400449 is technically not feasible. Hence, the service can be retained in alternate technologies viz., Aseem Plan (Virtual Landline), FTTH (Voice and DATA), GSM etc.”



4. As rightly pointed out by the learned Standing counsel appearing for BSNL, the subscription charges are not refundable. However, considering the special facts and circumstances of the case, particularly, the fact that the petitioner who is a senior citizen was not able to enjoy the land line facility, the respondents are directed to refund the subscription amount of Rs.3,500/- to the petitioner as expeditiously as possible. The petitioner also wants to surrender the land line connection. It is stated that he had already made security deposit of Rs.2,500/- subject to the usual administrative formalities. Whatever amount payable to the petitioner shall be paid. This writ petition stands allowed accordingly. No costs.

08.11.2023

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

PMU



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G.R.SWAMINATHAN,J.

PMU

To:

1. The General Manager,
Bharat Sanchar Nigam Limited,
PT Rajan Road, Bibi Kulam,
Madurai – 625 002.
2. The Junior Engineer,
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