



W.P.No.2252 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2252 of 2022

and

W.M.P.No.2426 of 2022

P.Gopalakrishnan

... Petitioner

Vs.

1.The Secretary,
Ministry of Information and Broadcasting,
Shastri Bhavan,
New Delhi – 01.

2.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor,
Dukar Tower,
Marsal Salai,
Chennai – 600 008.

3.The Special Tahsildar / Assistant Manager,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned demand notice in Letter No.11382/TACTV/26649/2021



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dated 24.11.2021 passed by the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.R.PRasanna Vinoth

For Respondents : Mr.R.K.Gandhi [R1]
Mr.Dravind Sundar Singh
Standing Counsel [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records relating to the impugned demand notice in Letter No.11382/TACTV/26649/2021 dated 24.11.2021 passed by the 2nd respondent and quash the same as illegal.

2. The case of the petitioner is that, he is a Private Cable TV operator. Due to forcible taken of all MSOs by the Government of Tamil Nadu vide G.O.Ms.No.80, there was no private MSO available and he was compelled to register as LCO with the 1st respondent. He had shown the entire customer connections available with him and even though, he should have been charged for 70% of his customer points as per the TRAI regulations, the 2nd respondent charged the entire customer point



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available with him. The petitioner also paid three months advance of Rs.27,000/- as per the requirement of the 2nd respondent. He had been paying his subscription fee without any arrears till December, 2017 and further, the petitioner has also provided Multicity Digital Consortium Pvt Ltd., STBs to all his customers from 2017 itself. From the month of March, 2017 providing analogue signal was banned by the 1st respondent. This being so, the 2nd respondent issued the impugned demand notice in Letter No.11382/TACTV/26649/2021 dated 24.11.2021 demanding a sum of Rs.3,45,509/- for analogue signal transmission arrears and also levied penal interest for non-payment. Challenging the same, the petitioner has filed the above writ petition before this court for appropriate orders.

3. Though very many grounds have been raised in this writ petition, however, at the time of arguments, learned counsel for the petitioner restricted his prayer and sought permission of this court to appear before the 2nd respondent by way of reply to the impugned demand notice and this court may issue a direction to the 2nd respondent to pass appropriate orders, upon receipt of reply from the petitioner, as



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early as possible.

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4. On the above contentions, this court heard the learned respective counsel appearing for the respondents and perused the materials available on record.

5. In view of the limited request sought for by the learned counsel appearing for the petitioner, this court, without interfering with the impugned demand notice, permits the petitioner to send a reply to the impugned demand notice within a period of two (2) weeks from the date of a receipt of a copy of this order. Upon receipt of the same, the 2nd respondent is directed to pass appropriate orders on merits and in accordance with, within a period of four (4) weeks thereafter.

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

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Index : Yes / No

Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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