



W.P.No.19488 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19488 of 2021

C.Duraisamy

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu Government Cable TV Corporation Ltd.,
No.34/123, 6th Floor,
Dugar Towers, Marshalls Road,
Egmore,
Chennai – 600 008.

2.The Deputy Manager / Special Thasildar,
Tamil Nadu Government Cable TV,
Brough Road, Erode,
Erode District.

3.C.Mani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pass final order and conduct the enquiry in his enquiry notice in Na.Ka.No.01-1/2021/Cable TV, dated 23.08.2021 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.David Sundar Singh for R1 and R2



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Mr.D.Raghu for R3

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to pass final order and to conduct the enquiry in the enquiry notice dated 23.08.2021.

2.The learned counsel appearing for the petitioner submitted that the third respondent is running various business including cable TV business and since he could not look over the cable TV business, he informed the petitioner that he is ready to transfer the licence in his name on condition that the petitioner should pay a sum of Rs.2.50 Lakhs and accordingly, the petitioner paid the said amount and the third respondent sent proper application and no objection for transferring the licence in the petitioner's name to the respondents 1 and 2 and thereafter the first respondent passed orders on 15.06.2017 and the licence was duly transferred in the petitioner's name.

3.The learned counsel appearing for the petitioner further submitted that thereafter the third respondent sent false representation to the respondents 1 and 2 stating that without his



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knowledge the licence was transferred in the petitioner's name based on which, the second respondent ordered for enquiry and fixed the enquiry date on 23.08.2021. The petitioner could not appear for enquiry on that day since he did not receive any enquiry notice and thereafter he appeared on the next day and produced the first respondent's order dated 15.06.2017 and the third respondent's no objection certificate, however, no order was passed by the second respondent.

4.The first respondent has filed counter affidavit and paragraph nos.13 to 16 of the counter affidavit reads as follows:

"13.I submit that with regard to the averments made in the para 3 of the affidavit of the petitioner, the respondent states that the enquiry was fixed on 23.08.2021, the petitioner had not turned to appear for the enquiry. Anyhow, the enquiry was postponed and conducted on 24.08.2021 and obtained the statements by the Deputy Manager / Special Tahsildar of the Tamil Nadu Arasu Cable TV, Erode from petitioner and 3rd respondent of this writ herein and based on the enquiry necessary proposals was sent to the Managing Director, Tamil Nadu



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Government Cable TV Corporation Limited, Chennai in the Na.Ka.01-1/2020/Cable TV dated 27.08.2021 of the Deputy Manager / Special Tahsildar of the Tamil Nadu Arasu Cable TV, Erode and subsequently appropriate information had been sent to the petitioner by the District Revenue Officer / General Manager, Tamil Nadu Government Cable TV Corporation Limited, Chennai in the letter no.F2/5026/2020 dated 20.10.2021.

14.I submit that with regard to the averments made in the para 4 of the affidavit of the petitioner, the respondent states that appropriate information had been sent to the 3rd Respondent by the District Revenue Officer/ General Manager, Tamil Nadu Government Cable TV Corporation Limited, Chennai on 20.10.2021 and a copy of the same was also sent to the petitioner. But without getting any information or orders, the petitioner has filed this writ petition in hasty manner deliberately and unwarrantedly.

15.I submit that in the meantime, before getting the information dated 20.10.2021 from the District Revenue Officer / General Manager, Tamil Nadu Government Cable TV



Corporation Limited, Chennai the 3rd respondent Thiru C.Mani had submitted the LCO application through the on-line portal in the Application reference number: LCO121220211 dated 21.09.2021 which is kept in abeyance since the petitioner Thiru Duraisamy has filed this writ petition. Anyhow, the on-line application of the 3rd respondent would be disposed of in accordance with law.

16.I submit that the prayer of the petitioner for the disposal of the enquiry notice Na.Ka.No.01-1/2021/Cable TV dated 23.08.2021 of the 2nd respondent was settled by the District Revenue Officer / General Manager, Tamil Nadu Government Cable TV Corporation Limited, Chennai on 20.10.2021 and informed to both the petitioner and the 3rd respondent and also for all the aforesaid reasons, it is humbly prayed that this Hon'ble Court may be pleased to dismiss the writ petition.

5.From the counter affidavit filed by the first respondent it is known that the District Revenue Officer / General Manager, Tamil Nadu Government Cable TV Corporation Limited, Chennai has passed



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order on 20.10.2021. Hence no further order needs to be passed in this writ petition.

M.DHANDAPANI,J.

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6.The writ petition stands disposed of. Liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

05.08.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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