



WP(MD)No.1432 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.1432 of 2018
and
WMP(MD)No.1491 of 2018

T.Murugan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
Chennai - 600 005.

2.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Network,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in ROC.No.111/2017 dated 30.10.2017 and quash the same and consider the petitioner's representation dated 15.02.2017.

For petitioner : Mr.SR.Anbarasu
For Respondents : Mrs.Annie Abinaya



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ORDER

The petitioner is a Local Cable TV Operator of Tamil Nadu Arasu Cable TV Corporation from the year 2003. While so during the year 2012 his LCO connection was disconnected and therefore, the petitioner has submitted a representation on 02.08.2012 to restore the cable connection and also filed a writ petition in WP(MD)No.1318 of 2023 before this Court and the same was dismissed with liberty to the petitioner to approach the 2nd respondent. In the meantime the 2nd respondent has issued a demand notice calling upon this petitioner to pay the arrears of subscription amount of Rs.1,67,000/- by the demand notice dated 20.04.2016. The petitioner has challenged the demand notice in WP(MD)No.5698 of 2017 before this court. When the writ petition was taken up for hearing, a representation was made on behalf of the petitioner that he had submitted a representation before the 2nd respondent and it would be suffice if the representation was directed to be considered by the respondents. However the representation of the petitioner for waiving the arrears of subscription amount



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was rejected. Challenging the same the present writ petition is filed.

2.The learned Counsel for the petitioner submits that the respondent Corporation without providing any cable connection has demanded a sum of Rs.1,67,000/-. The 2nd respondent has admitted that cable connection was already disconnected. The 2nd respondent has not called for the petitioner for any enquiry before passing the impugned order. The learned Counsel further submits that the petitioner is a physically challenged person.

3.The 2nd respondent has filed a counter affidavit that the petitioner is having an arrears of Rs.2,07,702/- and the penalty for default for the subscription amount is Rs.82,321/- totalling to Rs.2,90,023/-. The petitioner was irregular in paying the subscription and caused loss to the respondent Corporation.

4.This Court considered the rival submissions made and perused the materials placed on record.



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5.The impugned order came to be passed pursuant to the directions of this Court in WP(MD)No.5698, 4543 and 4544 of 2017, dated 12.07.2017. The said writ petitions were filed challenging the demand notice issued by the respondent Corporation demanding the arrears of subscription charge from the petitioner on 20.04.2016. Admittedly the petitioner was a Local Cable Operator with the respondent Corporation from the year 2003. In the year 2012 his service connection was disconnected. Thereafter the demand notice was issued challenging the same, the petitioner has filed the writ petition in WP(MD)No.5698 of 2017. Further pending this writ petition, the petitioner has submitted a representation to waive the petitioner's amount. However it was rejected by the respondents. Therefore this Court is not inclined to entertain this writ petition. The petitioner having challenged the demand notice in WP(MD)No.5698 of 2017, has submitted a representation to waive the arrears of subscription. The said request of the petitioner has been already rejected that the petitioner has not paid the subscription to the respondent Corporation from March 2012. Therefore,



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this Court is not inclined to entertain this writ petition.

Accordingly, this writ petition is dismissed. No costs.

Consequently connected miscellaneous petition is closed.

19.02.2024

DSK

TO

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation,
Chennai - 600 005.

2.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Network,
Kanyakumari District,
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B.PUGALENDHI, J.

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