



W.P(MD)No.20150 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.20150 of 2018

and

W.M.P(MD)No.17908 of 2018

G.Rajendran

... Petitioner

Vs

1.The Managing Director,
Arasu Cable TV Corporation Limited,
Dugar Towers, 6th Floor,
Old No.34, New No.123,
Marshalls Road,
Egmore,
Chennai – 600 008.

2.The Special Tahsildar/Deputy Manager,
Tamil Nadu Cable TV Corporation Limited,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No. 11/2018/TACTV/TNV dated 23.08.2018 passed by the second respondent and quash the same and subsequently direct the second respondent to revise the petitioner's customers to 1050 based on the direction of the first respondent dated 15.02.2016.



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For Petitioner : Mr.B.Prasanna Vinoth
For R – 1 : Ms.J.R.Annie Abinaya
Standing Counsel
For R – 2 : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the impugned demand notice issued by the second respondent dated 23.08.2018 and subsequently direct the second respondent to revise the petitioner's customers to 1050 based on the direction of the first respondent dated 15.02.2016.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner is a private cable television operator. The petitioner is providing signals through cable to several customers in their respective Villages. While being so, the Government of Tamil Nadu issued G.O.Ms.No.22, Information Technology dated 13.08.2007 establishing the first respondent Corporation and the same was incorporated under the Companies



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Act. The first respondent had obtained Conditional Access System (CAS) license in respect of Chennai alone. After change of regime, in the year 2011, the Government issued G.O.Ms.No.80 and thereby reestablished the first respondent Corporation and took over the network of MSO's and in turn the local cable operators had no chance except to join the first respondent Corporation. Since there was no private MSO available, the petitioner was compelled to register as LCO with the first respondent with existing customers. The petitioner was charged for 70% of customer points as per TRAI regulations. Due to various reasons, the petitioner was in arrears of payment of monthly charges. The petitioner was issued notice thereby directed the petitioner to pay arrears of the monthly license fee.

4. On perusal of the impugned notice, dated 23.08.2018 issued by the second respondent would reveal that the petitioner was in arrears of license fee for 77 months. If at all the petitioner was in arrears of the license fee, the first respondent should have disconnected the signal. Though the petitioner was in arrears for several months, the first respondent provided signal to operate their cable TV. Further, it does not reveal any calculation to arrive at that



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amount. Though it is captioned as show cause notice, the petitioner was directed to remit the said amount failing which a criminal case will be registered for the offence punishable under Sections 420 and 427 of I.P.C. Even assuming that the petitioner is in arrears of license, no offence is made out under Sections 420 and 427 of I.P.C. Further, the petitioner was not given an opportunity of hearing and no prior notice was issued to the petitioner. That apart, from the year 2018 onwards, the petitioner has not operated their cable from the signal of the first respondent, since all the customers are switched over to private Multi System Operators. Accordingly, the impugned notice issued by the second respondent dated 23.08.2018 cannot be sustained and the same is liable to be quashed.

5.In view of the above, the impugned notice issued by the second respondent dated 23.08.2018 is quashed and the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

ps

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