



WP (MD) No.18118 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.18118 of 2017
and
WMP (MD) No.14579 of 2017

Ponraj

... Petitioner

Vs

1.The Managing Director,
Arasu Cable TV Corporation,
34/123, 6th Floor,
Dukar Tower Marshal Salai,
Chennai - 600 008.

2.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is 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 Thana A.K.TV.630/2015 dated 12.09.2017 passed by the 2nd respondent and quash the same.

For petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mrs.Annie Abinaya
Standing Counsel



WP (MD) No.18118 of 2017

ORDER

WEB COPY

This is the third round of litigation initiated by the petitioner as against the demand notice issued by the respondent Corporation. The petitioner was a Local Cable TV Operator with the respondent Corporation. The respondent with an allegation that the petitioner has not paid the subscription arrears to the respondent Corporation issued a demand notice in the year 2015 and the same was challenged by this petitioner in WP(MD)Nos.19949 and 19450 of 2015. The writ petitions were disposed of by order dated 07.11.2016 remanding the matter back to the respondents to pass fresh orders by considering the explanation offered by the petitioner. However, it was not considered by the respondents. Therefore, the petitioner has filed a contempt petition in Cont P(MD)No.1163 of 2017. Thereafter another demand notice was issued on 21.06.2017 and the same was challenged by this petitioner in WP(MD)Nos.13812 and 13400 of 2017, wherein this court has passed the following order.

" Following the same, without going into the merits of the case, this Court directs the



WP (MD) No.18118 of 2017

petitioner to approach the third respondent / Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation Limited shall conduct an enquiry and consider all the materials filed by the petitioner and pass suitable orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Till then the respondents are directed to maintain status quo as on date."

2. Thereafter this impugned order dated 12.09.2017 came to be passed, wherein the respondents claim that the petitioner is liable to pay a sum of Rs.7,00,094/- as follows:

வ.எண்	LCO எண்	சந்தா தொகை ரூ	அபராதம் தொகை ரூ	மொத்தம் ரூ
1	24408	1,28,000	39,341	1,67,341
2	25003	63,000	14,628	77,628
3	25261	3,08,000	91,562	3,99,562
4	25321	43,000	12,563	55,563
	மொத்தம்	5,42,000	1,58,094	7,00,094



WP (MD) No.18118 of 2017

3.The petitioner claims that he has already sold the licence in LCO numbers 25261 and 25321 in the year 2014 itself, it was duly communicated to the respondents and the same was acknowledged by the Special Tahsildar/ the 2nd respondent. Even thereafter the demand notice has been issued for the sold LCO numbers with bereft of details and without considering the orders passed by this Court in WP (MD) Nos.13812 and 13400 of 2017.

4.The learned counsel for the respondents submits that without obtaining prior permission from the Tamil Nadu Arasu Cable TV Corporation, the LCO licence cannot be transferred. She further submits that the petitioner has sold his LCO licence to one Thangam and Sudesan without any prior permission from the respondent Corporation. The said Thangam and Sudesan gave statements before the Tahsildar that this petitioner has not transferred the connection to them. Therefore the petitioner in order to avoid the payment to the Corporation has taken such a stand.



WP (MD) No.18118 of 2017

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

6.The petitioner is an LCO from the year 2011 and he is having 4 LCO licences for different areas. The respondents claim that this petitioner has not paid the subscription arrears from the year 2011 and therefore, a demand notice was issued in the year 2015 and the same was challenged by this petitioner in WP(MD)Nos.19449 and 19450 of 2015, which were disposed vide order dated 07.11.2016 with a direction to the respondents to pass fresh orders considering the petitioner's explanation. Thereafter another demand notice was issued on 21.06.2017 and the same was also challenged in other two writ petitions in WP(MD)Nos.13812 and 13400 of 2017.Those two writ petitions were disposed by order dated 26.07.2017 with a direction to the Tamil Nadu Arasu Cable TV Corporation to conduct an enquiry and to pass suitable orders on merits by considering the materials placed by the petitioner. Thereafter the impugned order has been passed. The petitioner claims that he has transferred the LCO licence 25261 and 25321 to two other persons. The



WP (MD) No.18118 of 2017

respondent claims that without the permission of the Corporation the connection cannot be transferred and the said transferees have denied this contentions. However there is no reference about the same in the impugned order. This impugned order is also for disconnecting the service connection, for default of subscription amount. Pending this writ petition, the petitioner states that he is not doing any cable TV business.

7. In view of the above, this writ petition is dismissed with liberty to the petitioner to approach the respondent Corporation with necessary details within a period four weeks from the date of receipt of a copy of this order. The respondent Corporation shall consider his grievance and permit him to settle the amount in installments. No costs. Consequently connected miscellaneous petition is closed.

19.02.2024

DSK



WP (MD) No.18118 of 2017

TO

- 1.The Managing Director,
Arasu Cable TV Corporation,
34/123, 6th Floor,
Dukar Tower Marshal Salai,
Chennai - 600 008.
- 2.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Thoothukudi District.



WEB COPY



WP (MD) No.18118 of 2017

B.PUGALENDHI, J.

dsk

WP (MD) No.18118 of 2017

19.02.2024