



W.P.(MD)No.18284 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18284 of 2017

and

W.M.P.(MD)Nos.14735 to 14737 of 2017

Baladevi Anandam

... Petitioner

versus

1. The Managing Director,
Tamilnadu Arasu Cable TV Corporation Ltd.,
11/12, Mangadusamy Salai,
Nungappakkam,
Chennai – 34.
2. The General Manager,
Tamilnadu Arasu Cable TV Corporation Ltd.,
11/12, Mangadusamy Salai,
Nungappakkam,
Chennai – 34.
3. The Special Tahsildar,
Tamilnadu Arasu Cable TV Corporation Ltd.,
District Collectorate,
Thoothukudi,
Thoothukudi District.



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4. The Taluk Cable Operator,
Arasu Cable TV Corporation Ltd.,
Tiruchendur,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Ta.Naa.Aa.Ca.TV. 614/I/2015 dated 04.08.2017 issued by the 3rd respondent to the petitioner and quash the same as arbitrary and illegal and consequently directing 1st to 3rd respondents to return or to adjust the same in the account of the petitioner, the amount of Rs.70,000/- paid by the petitioner for the period from September 2011 to April 2012.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : M/s.J.R.Annie Abinaya
Additional Standing Counsel

ORDER

The petitioner was a Cable TV Operator for the region of Srivaikundam Taluk and he has distributed the signals of Arasu Cable TV Corporation. He has filed this writ petition, challenging the order of the 3rd respondent dated 04.08.2017, demanding the arrears of



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Rs.1,82,515/- including interest.

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2. The learned counsel appearing for the petitioner submits that the respondents have demanded excess amount for the period from September 2011 to April 2012. According to the petitioner, during that relevant period, no signals were provided to him. However, the respondents have collected the amount from the petitioner for those period also. Therefore, the petitioner has made a request for adjusting that amount for the subsequent bills. But, the respondents have not considered the request made by the petitioner. Hence, the present writ petition has been filed.

3. The learned Additional Standing Counsel appearing for the respondents/TACTV Corporation submits that this is the second round of litigation. As against the earlier demand notice dated 05.08.2015, the petitioner has already filed a writ petition before this Court in W.P. (MD)No.18031 of 2015 that he was not provided an opportunity of



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hearing. Therefore, this Court by order dated 07.11.2016, remanded the matter for fresh consideration and directed the respondents/TACTV Corporation to conduct an enquiry and to consider all the materials filed by the petitioner and to pass suitable orders. Accordingly, enquiry was conducted and during the enquiry, the petitioner has not produced any documents to substantiate his claim that signals were not provided to him during the relevant period. She further submits that the petitioner has not informed the TACTV corporation that he has not received any signals during the relevant period. Similarly, he has not obtained signals from any other MSO. In order to evade the payment, the petitioner has filed this writ petition, raising all these grounds.

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

5. Admittedly, the petitioner is a LCO of TACTV Corporation. Earlier, a demand notice has been issued by the respondent Corporation



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on 05.08.2015, that was challenged before this Court in W.P.(MD)No.

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18031 of 2015. This Court, by order dated 07.11.2016, directed the respondent Corporation to conduct an enquiry by providing an opportunity of hearing to the petitioner. Thereafter, this impugned order has been passed. In the event, if the signals were not provided by the respondent Corporation, the petitioner would have informed the same by way of any communication to the respondent Corporation. But, the petitioner has not made any such communication and he has raised all these grounds only when a demand notice was issued. This Court, under Article 226 of the Constitution of India, cannot conduct a roving enquiry on this issue.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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