



W.P(MD)Nos.29074 and 28953 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)Nos.29074 and 28953 of 2022

and

W.M.P.(MD)Nos.23056 and 22926 of 2022

W.P(MD).No.29074 of 2022

N.Jayabalan

.. Petitioner

Vs

- 1.The Secretary,
The Ministry for Information and Broadcasting,
Government of India,
2, Krishna Menon Marg,
New Delhi - 110 001.
- 2.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
34/123, 6th floor,
Dukar Tower,
Marsal Salai,
Chennai - 600 008.
- 3.The District Revenue Officer / Nodal Officer (Cable TV),
Madurai District,
Madurai.
- 4.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation,
Madurai District.



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5.The Tahsildar,
Peraiyur,
Taluk Tahsildar Office,
Peraiyur Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned notice Na.Ka.No.6949/2022/Aa1 dated 09.12.2022 passed by the fifth respondent, quash the same.

W.P(MD).No.28953 of 2022

N.Jayabalan

.. Petitioner

Vs

- 1.The Secretary,
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5. The Tahsildar,
Peraiyur,
Taluk Tahsildar Office,
Peraiyur Taluk, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the demand notice in Ka.No.11382/TACTV/49475/2021 dated 01.12.2021 passed by the fourth respondent read along with the impugned notice Na.Ka.No.6949/2022/Aa1 dated 09.12.2022 passed by the fifth respondent, quash the same.

In both petitions

For Petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mr.J.Alaguram Jothi (for R1)
Ms.J.R.Annie Abinaya (for R2)
Mrs.S.Sevasena (for R4)
Mrs.S.Jeyapriya (for R3 & R5)
Government Advocate

COMMON ORDER

W.P(MD).No.29074 of 2022 has been filed for the following relief:

“seeking Writ of Certiorari calling for the records relating to the impugned notice Na.Ka.No.6949/2022/Aa1 dated 09.12.2022 passed by the fifth respondent, quash the same.”

W.P(MD).No.22926 of 2022 has been filed for the following relief:

“seeking Writ of Certiorari calling for the records relating to the demand notice in Ka.No.11382/TACTV/49475/2021 dated 01.12.2021 passed by the



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fourth respondent read along with the impugned notice Na.Ka.No. 6949/2022/Aa1 dated 09.12.2022 passed by the fifth respondent, quash the same.”

2. It is the case of the petitioner that he is a 'Local Cable Operator' (hereinafter referred to as 'LCO' for brevity) and running his business in the name and style of 'Amman Cables' at Athankaraipatti and he had an another cable network in the name and style of 'Manji Cable Network' at T.Pallupatti Village. The petitioner had around 100 customers in each cable network. The petitioner would submit that he had invested huge sums of money in updating the network with advancement of technology and the cable operation is his only source of income. The petitioner would submit that he had registered himself with the Head Post Master concerned and obtained a registration certificate as per the provisions of the Act. He had totally two LCOs and was originally getting a signal from a private Multi System Operator (hereinafter referred to as 'MSO' for brevity).

3. The Government of Tamil Nadu through G.O.Ms.No.22, Information Technology, dated 13.08.2007, had established the second respondent Corporation. The second respondent Corporation was incorporated under the



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Companies Act. Though the Corporation was formed in the year 2007, it had never started its function and was defunct till the year 2011.

4. The second respondent had obtained a Conditional Access System (CAS) license in respect of Chennai City alone. In the year 2011, the second respondent Corporation had fixed a sum of Rs.70/- as subscription fee for the end customers and had taken over the network of MSO's. Therefore, the LCOs had no choice except to join the second respondent Corporation. Since the petitioner's MSO had been taken over by the second respondent, the petitioner was also constrained to register himself as LCO under the second respondent for receiving signal from the second respondent. At the time of registration with the second respondent, the petitioner had shown the details of its existing customers. The petitioner had also paid three months advance of Rs.6,000/- as per the requirement of the second respondent.

5. It is the contention of the petitioner that from the inception, the petitioner was not getting proper signal. In fact, right from the date of allotment i.e., 01.06.2015, he has been facing this problem. The petitioner and others had made several complaints to the second respondent and being a remote area, the second respondent was not able to provide signal. Therefore,



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the petitioner had not paid the amounts to the second respondent. Mean while, the fourth respondent had informed the petitioner that only after the signal is provided, payment would be demanded. It is for this reason that no notice for disconnection has been issued. In the mean time, since the respondents were not providing the signal and the customers were moving to DTH, he had made a cable receiver on his end and started telecasting free of cost to the customers. Immediately, the fourth respondent has intervened and seized the materials, against which, the petitioner had filed a writ petition before this Court and pending the writ petition, in the year 2016, the Digital Address System (DAS) was introduced by the Ministry of Information and Broadcasting with the promise of the Ministry that there would not be any interference from the second respondent Corporation. Several private MSO's came up and the Tamil Nadu Cable Association started its own MSO in the name of TCCL. The petitioner would submit that since he was not receiving proper signal, many of his customers had dropped out and hence, the petitioner had switched over to TCCL signal and disconnected from the second respondent. The monthly payment subscription was therefore stopped.

6. However, on 01.12.2021, the petitioner received a demand notice from the fourth respondent claiming a sum of Rs.1,94,258/- as the arrears towards



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monthly subscription. Immediately, the petitioner had approached the fourth respondent and the fourth respondent informed the petitioner that the notice was wrongly issued and no action would be taken. Believing the words of the fourth respondent, the petitioner has not taken any further action.

7. However, to his utter shock and surprise, the impugned notice dated 09.12.2022 was issued by the fifth respondent under the Revenue Recovery Act. Thereafter, the petitioner came to know that without providing signal, he has been charged illegally. The said notice is challenged in the instant proceedings, primarily, on the ground that the demand notice is one without jurisdiction, as the amounts claimed by the second respondent would not come within the definition of public revenue.

8. Heard the learned counsel on either side and perused the materials available on record. A detailed counter has been filed by the fourth respondent. This Court is not traversing through the contends of the counter as these writ petitions are being disposed of primarily on the point of jurisdiction.

9. Section 5 of the Revenue Recovery Act prescribes the procedure for recovering the revenue arrears by the Collector or any officer duly empowered



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in that behalf, either through the sale of defaulter's movable and immovable properties or by execution against the person of defaulter. Therefore, in order to attract the provisions of the Act, the amount due must be a public revenue payable to the Government, which is represented by the District Collector. Therefore, on this score alone, the impugned notice dated 01.12.2021 and 09.12.2022 passed by the fourth and fifth respondents respectively cannot be sustained and the same has to necessary be quashed since the alleged dues are by no stretch of imagination publi revenue due to the State. Accordingly, the same is hereby quashed. At this juncture, the learned counsel appearing for the respondents 3 and 4 would submit that there are huge dues from the petitioner. It is needless to state the said amount can be recovered in the manner known to law.

10. With the above observations, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.11.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk



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P.T.ASHA, J.

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