

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.21874 of 2014

1. Vinodh Liquors
rep. By its partners
Ezhilarasi

2. K.Murugan

...Petitioners

Vs.

1. The Registrar
Registrar of Companies
Puduchery

2. R.Vinotha

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to dispose of the written representation made by the petitioner dated 06.06.2014, and to direct the first respondent to take appropriate action in respect of the same.

For Petitioner : Mr.R.Karthikeyan

For Respondents : No appearance - R1

Mr.P.V.Balasubramaniam - R2
for M/s BFS Legal

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.R.Karthikeyan, learned Counsel appearing for the

petitioner, none appeared on behalf of the first respondent/Registrar of Companies and Mr.P.V.Balasubramaniam, learned Counsel appearing for the second respondent.

3.The petitioner seeks for issuance of a writ of mandamus to direct the first respondent to dispose of the written representation made by the petitioner dated 06.06.2014, and to direct the first respondent take appropriate action in respect of the same.

4.The first petitioner Ezhilarasi claims to be wife of deceased Radhakrishnan and it is stated that her deceased husband and the second respondent were partners in the business pursuant to a Partnership Deed dated 20.01.2009 and the first petitioner's deceased husband is said to have been appointed as Managing Partner of the firm. The petitioners case is that there was a re-constitution of the firm on the death of first petitioner's husband on 01.02.2012, in which the first petitioner Ezhilarasi is alleged to have been inducted as partner.

5.However, the second respondent alleges that her signature has been forged and fraud has been committed and she has also lodged a complaint with the Police and an F.I.R. was registered, enquiry conducted and charge sheet has to be laid shortly. Further, the second respondent has also lodged a complaint to the Registrar of Company alleging that the first petitioner Ezhilarasi had committed fraud and requested for not to register any documents filed by parties.

6.The petitioners have given a representation requesting to consider their representation regarding registration of re-constitution deed dated 01.02,2012. Therefore, both the petitioners as well as the second respondent shall appear before the first respondent with their respective complaints.

7.In the light of the dispute between the petitioners and the second respondent, there will be a direction to the first respondent to consider the complaints given by the second respondent as well as the complaint given by the first petitioner Ezhilarasi, and after conducting an enquiry and after affording an opportunity of personal hearing to both the parties, the first respondent shall pass a reasoned orders on merits and in accordance with law. However, the enquiry to be conducted by the first respondent shall not have any bearing on the final report to be filed by the Police, based on the F.I.R. registered at the instance of the second respondent or the day to day functioning of the Firm. The above direction has to be

completed within a period of six months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

rpa

To

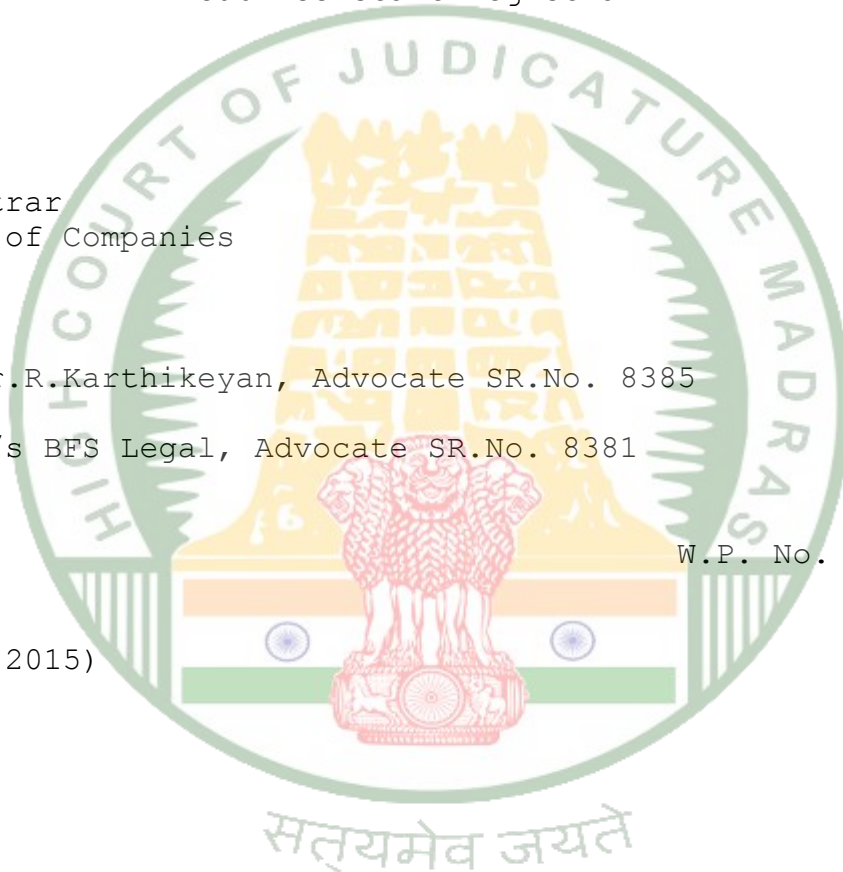
The Registrar
Registrar of Companies
Puduchery

1 CC to Mr.R.Karthikeyan, Advocate SR.No. 8385

1 CC to M/s BFS Legal, Advocate SR.No. 8381

W.P. No. 21874 of 2014

CA (CO)
PSI (03.03.2015)



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