

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6959/2015 & MP.No.1/2015

K.Santhi

.. Petitioner

Versus

1.The District Registrar [Admin]/
Registrar of Firms,
Office of the District Registrar,
Salem [East].

2. N.Selvam

3. S.Parimalam

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of CERTIORIFIED MANDAMUS calling for the records relating to the order passed by the 1st respondent in No.4433/Aa1/2012 dated 10.07.2013 and quash the same consequently direct the 1st respondent to complete the enquiry in the above proceedings so as to cancel the registration of the fraudulent Retirement Deed and initiate penal action against the 2nd and 3rd respondents.

For Petitioner : Mr.S.Conscious Ilango

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader for R1

ORDER

Heard Mr.S.Conscious Ilango, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the 1st respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2. Since this Court is not inclined to go into the merits of the contentions raised by the petitioner while disposing of the writ petition, notice to the 2nd and 3rd respondents is dispensed with.

3. The petitioner has challenged order passed by the District Registrar, Salem dated 10.07.2013 by which the 1st respondent has declined to entertain the petitioner's request to enquire into the correctness of the termination of the petitioner as a partner of the firm on the ground that a suit in O.S.No.741 of 2010 on the file of District Munsif Court, Salem and a criminal case in CC.No.158/2011 on the file of the learned Judicial Magistrate IV, Salem, are pending. The learned counsel for the petitioner submitted that the suit filed is for bare injunction. Nevertheless, the issue to be decided would definitely have a bearing on the issue which the petitioner is now canvassing before the 1st respondent. Therefore, the 1st respondent has rightly declined to exercise his jurisdiction under Circular No.67 dated 03.11.2011 with regard to the proceedings pending before the courts concerned. Therefore, there is no error in the impugned order.

4. Accordingly, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

AP/gya

To

The District Registrar [Admin]/Registrar of Firms,
Office of the District Registrar,
Salem [East].

+1 CC to Mr.S.Conscious Ilango, Advocate, SR.NO.14346

+1 CC to Government Pleader, SR.NO.14195

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WP.No.6959 of 2015

KJ1(CO)

DRL :23/03/2015