

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.33369 of 2013

Perumbulavil Radhakrishnan
President,
Intellectual Property Association of South India,
No.315, Mowbrays Road,
Royapettah,
Chennai-600 014. ... Petitioner

-vs-

1.Union of India,
rep. by its Secretary,
Department of Industrial Policy & Promotion,
Ministry of Industry & Commerce,
Government of India,
Udyog Bhavan,
New Delhi-110 011.

2.Intellectual Property Appellate Board,
rep. by its Registrar,
Annex-I, Guna Complex, II Floor,
443, Anna Salai, Teynampet,
Chennai-600 018.

3.Ministry of Law and Justice,
rep. by its Secretary,
Government of India,
Udyog Bhavan,
New Delhi-110 011.

4.Ministry of Commerce and Industry,
rep. by its Secretary,
Government of India,
Udyog Bhavan,
New Delhi-110 011.

5.Ministry of Finance,
rep. by its Secretary,
Government of India,
North Block,
New Delhi-110 001.

6.State of Tamilnadu,
rep. by its Secretary,
Industries Department,
Secretariat,
Fort St. George,
Chennai-600 009.

7.Tamilnadu Small Industries
Development Corporation Limited,
Thiru.Vi.Ka. Industrial Estate,
Chennai-600 032. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1,3 and 4 to provide for judicial and financial independence of the 2nd respondent by directing the 3rd respondent to provide the required funds to the 2nd respondent and make the Chairperson of the 2nd respondent, the Chairperson of the Selection Committee for appointment of Judicial and Technical members of the 2nd respondent as well as for recruitment of staff, without whose consent no appointments can be made.

For Petitioner : Mr.Satish Parasaran

For Respondents : Mr.S.Haja Mohideen Gisthi
SP CSC for R1 to R5

Mr.STS.Moorthy
Government Pleader for R6

Mr.Abdul Saleem for R7

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

In respect of setting up of proper facilities for holding the Circuit Benches at Mumbai, Kolkatta and Ahamedabad in view of paragraph 2 of our last order dated 29.1.2015, a counter-affidavit has been filed on behalf of the 1st respondent, wherein it has been stated that no such proposal has been received so far from IPAB, Chennai. In this context, it has further been stated that there have been 10 sittings per year at Delhi, 2 sittings per year each at Mumbai, Kolkata and Ahmedabad respectively based on the pendency of petitions.

2. The learned counsel for the petitioner expresses opinion that the Benches are not fully functioning on account of lack of facilities. If it is so, it is for the IPAB to make a request and as and when such a request is made, it would be examined favourably by the concerned authorities.

3. No further directions are required and the writ petition, stands disposed of. No costs.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

- 1.The Secretary,
Department of Industrial Policy & Promotion,
Ministry of Industry & Commerce,
Government of India,
Udyog Bhavan, New Delhi-110 011.
- 2.The Registrar,
Intellectual Property Appellate Board,
Annex-I, Guna Complex, II Floor,
443, Anna Salai, Teynampet, Chennai-600 018.
- 3.The Secretary,
Ministry of Law and Justice,
Government of India,
Udyog Bhavan, New Delhi-110 011.
- 4.The Secretary,
Ministry of Commerce and Industry,
Government of India,
Udyog Bhavan,
New Delhi-110 011.
- 5.The Secretary,
Ministry of Finance,
Government of India,
North Block, New Delhi-110 001.
- 6.The Secretary,
Industries Department,
Secretariat,
Fort St. George, Chennai-600 009.

7.Tamilnadu Small Industries
Development Corporation Limited,
Thiru.Vi.Ka. Industrial Estate,
Chennai-600 032.
+1cc to Mr. Abdul Salem Advocate SR.No.15287

+1cc to Mr.Haja Mohideen Gisthi, Advocate SR.No.14796

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