

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.24443 of 2012

R.Bhuvaneswari

.. Petitioner

vs.

1. The Director
Ministry of Corporate Affairs
"A" Wing, V Floor, Shastry Bhavan
Dr. Rajendra Prasad Road
New Delhi - 110 001
2. The Registrar of Companies
Company Affairs, 2nd Floor,
Shastri Bhavan, No.26, Haddows Road
Chennai - 600 006
3. Official Liquidator
Corporate Affairs, Corporate Bhavan
Rajaji Salai, Chennai - 1
4. M/s.Cosmo Foundations Ltd.,
rep by its Chairman & Managing Director
AR Vinod Kumaran Nair & AR Vinod Kumar
c/o at Cosmo Nest
No.16, Bank Street, Kellys
Kilpauk, Chennai - 10

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to take necessary legal action against the defaulter 4th respondent company under the companies Act pursuant to the petitioner's petition dated 21.7.2012 on merits after due enquiry.

For petitioner : Mr.M.Kumarasami

For respondents : Mr.V.Kadhirvelu CGC

for R1 and R2

Mr.V.Ayyadurai for R4

R-3 Official Liquidator

Corporate Affairs- Chennai-1

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to direct the respondents 1 to 3 to take necessary legal action against the 4th respondent Company under the provisions of the Companies Act, 1956, pursuant to the petition, dated 21.7.2012, submitted by the petitioner, after conducting a due enquiry.

3. The petitioner had made a number of allegations against the 4th respondent Company. The main allegations made by the petitioner are as follows:

(i) The Chairman and Managing Director of the fourth respondent Company had created bogus sale deed relating to the property belonging to the family of the petitioner. The Chairman and Managing Director of the fourth respondent Company had demolished the property belonging to the father of the petitioner, illegally.

(ii) The fourth respondent Company had floated three Companies, namely, Vishal Finance Company Ltd., Galaxy Goats Ltd., and Cosmo Foundations Ltd., inviting deposits from the public. Thereafter, the public had been cheated and no benefits had been given to them.

(iii) The second respondent had lodged certain complaints against the fourth respondent Company before the Economic Offences Court for certain irregularities committed by the fourth respondent Company.

4. In such circumstances, this Court may be pleased to issue a writ of Mandamus to direct the respondents 1 to 3 to take appropriate action against the fourth respondent Company invoking the provisions of the Companies Act, 1956.

5. The learned counsel appearing for the fourth respondent Company had denied the allegations made by the petitioner in the affidavit filed in support of the writ petition. He had submitted that the petitioner has no locus standi to file a writ petition making such allegations before this Court, invoking Article 226 of the Constitution of India. He had further submitted that the petitioner is neither a shareholder, nor has any stake in the fourth respondent Company. In such circumstances, the writ petition filed by the petitioner before this Court is not maintainable.

6. The learned counsel appearing for the respondents 1 and 2 had submitted that the present writ petition filed by the petitioner is not maintainable.

7. In view of the submissions made by the learned counsels appearing for the parties concerned and on a perusal of the records available, this Court is of the considered view that the present writ petition filed by the petitioner is not maintainable.

8. It is an admitted fact that the petitioner is neither a shareholder, nor has any stake in the fourth respondent Company. Though the petitioner had raised a number of allegations against the fourth respondent Company, it is not for this Court to cause a detailed enquiry into such allegations, by invoking the powers of this Court, under Article 226 of the Constitution of India, especially, when such issues are denied by the learned counsel appearing for the fourth respondent Company. The petitioner is not in a position to show that she is an aggrieved party in connection with the transactions relating to the business of the fourth respondent Company. As such, the petitioner has failed to substantiate her claim that the writ petition is maintainable. In such circumstances, this Court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Hence, the writ petition stands dismissed. No costs.

s/d-
Assistant Registrar(Ad-I)

True Copy

Sub-Assistant Registrar

To:

1. The Director
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3. Official Liquidator
Corporate Affairs, Corporate Bhavan
Rajaji Salai, Chennai - 1

+ 1 cc to Mr.V.Ayyadurai, Advocate SR 48172

+ 1 cc to Mr.V.Kadhirvelu, Advocate SR 48489

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