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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**29.10.2015**

CORAM

THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD).No.19652 of 2015

Mohammed Hanifa
S/o.Mahammed Ibrahim,
Managing Director,
Mass High Technologies Industries Pvt. Ltd.,
No.26 and 24 C Block,Marina Square,
Santhome High Road,
Mylapore,Chennai 600 004
Rep. By his Power Agent, Perumal ... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
District Registrar Office,
Pudukkottai District.

3.The Sub Registrar,
Gandharvakottai Sub Registrar Office,
Gandharvakottai,
Pudukkottai District. ... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents herein to conduct an enquiry as per the Circular NO.67 issued by the first respondent and also in accordance with Section 83 of Tamil Nadu Registration Act and to take necessary action on the basis of the petitioner representation, dated 16.10.2015 within the time stipulated by this Court.

For petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.K.Mahesh Raja,

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents herein to conduct an enquiry as per the Circular NO.67 issued by the first respondent and also

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in accordance with Section 83 of Tamil Nadu Registration Act and to take necessary action on the basis of the petitioner representation, dated 16.10.2015 within the time stipulated by this Court.

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2. Mr.K.Mahesh Raja, learned counsel takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4.In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner's Principal viz., Mohammed Hanifa was the Managing Director of Mass High Technologies Private Limited. The petitioner's company has been registered under the Companies Registration Act. As per the resolution of the Board of Directors of the said company, it was resolved to induct one Mr.Haja Najumuddeen as one of the director of the said company. Further, due to rapid growth of the said company, the petitioner company has authorised the above said Haja Najumuddeen one of the Directors, to purchase some lands in the name of the petitioner's company to be used for the future expansion of the company. Accordingly, the lands were purchased by the said director with the funds of the company. But, the said Haja Najumudeen, has acted against the interests of the said company, by purchasing the lands in his own individual name instead in the name of petitioner company and thus cheated the Company. Having come to know of this fraudulent acts committed by the said director Haja Najumudeen, a Board of Directors meeting was called on 22.09.2012 wherein it was resolved to remove the above said director Haja Najumudeen. Hence, it is clear that huge funds of the petitioner company have been misused and misappropriated by the erstwhile director namely Haja Najumudeen and he has also created a forged documents in his favour with the funds of the petitioner company. It is also pertinent to point out that being a director of the said company, during his stay in the office, he took all the important documents, cheque books, sale deeds standing in the name of the company for his personal and illegal gains and they are all even today in the custody of the erstwhile director Haja Najumudeen. It is also pertinent to point out that with the funds of the petitioner company, the said director was already successful in getting the documents registered by creating forged documents in his favour, is still continuously making hectic efforts to get some more documents created in his name with the funds of the company. The funds of the petitioner company have been used and misappropriated for his personal enrichment by purchasing the properties in his own name instead of in the name of the petitioner company. The petitioner has sent a detailed representation on 16.10.2015 to the respondents requesting to conduct detailed enquiry about the fraudulent and bogus

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registration of the documents by the erstwhile director of the petitioner company. Since the same was not disposed of till date, the petitioner has come forward with this Writ petition for the above stated relief.

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5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the second respondent to consider the representation of the petitioner, dated 16.10.2015 and pass appropriate orders on the same on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner and it is for the second respondent to decide the representation purely on merits.

6. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector General of Registration,
Registration Department, Chennai.

2.The District Registrar,
District Registrar Office,
Pudukkottai District.

3.The Sub Registrar,
Gandharvakottai Sub Registrar Office,
Gandharvakottai, Pudukkottai District.

+1cc to Mr.B.Jameel Arasu, Advocate Sr.No. 63678
+1cc to Spl.GOvernemnt Pleader Sr.No. 63889
am
AA/SKS-RR/15.12.2015/3p-6c

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