



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

C O R A M

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Writ Petition (MD) No. 2427 of 2015

WEB COPY

M/S. SUNAICHANDRAN SPINTEX (P) LTD.,
REP. BY ITS DIRECTOR, T. JAYAKUMAR
S.F.NO. 213/1WB2, MAIN ROAD,
ELUNDRAIKONDAN, KOLLANKONDAN PO,
RAJAPALAYAM TALUK, PIN-626 142,
VIRUDHUNAGAR DISTRICT.

.. Petitioner

Vs.

THE TAHSILDAR,
TALUK OFFICE,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to issue patta in the name of the petitioner for the properties in S.Nos. 74/2C2; 74/3A; 73/3B and 82/1 of Elandraikondan Village within a time stipulated by this Court.

For petitioner ... Mr. A. Sivaji

For Respondent ... Mr. S. Chandrasekar
Government Advocate

O R D E R

The only ground, which has been raised by the learned counsel for the petitioner is that the Company name has been altered or changed to present name viz., M/S. SUNAICHANDRAN SPINTEX (P) LTD., and that has been duly approved by the Government of India and a fresh certificate of incorporation has also been given, consequent to the change of name. The property was originally purchased in the erstwhile company name viz., M/S. VIJAY KARTHIK SPINNERS (P) LTD., by the then Managing Director for and on behalf of the Company. The sale was only in the name of the Company and they also obtained patta in the name of the Company and after the change of the name of the company, which has been approved by the Government of India, they wanted to transfer of the patta, in the name of the new Company and that has been objected by the third respondent on the ground that originally, the property was purchased in different name.

2. On a mere reading of sale deed, it is very clear that according to the learned counsel for the petitioner, the property was purchased only for and on behalf of the Company and patta was also granted for and on behalf of the Company.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The learned Government Advocate would submit that even though, the property has been purchased for and on behalf of the Company, in the sale deed, the individual name i.e. the Managing



Director is mentioned and hence, the present name change could not be accepted.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

5. It is a common knowledge that when the Company wants to change its name, it has to be get a new registration certificate and it has to be approved by the Government of India then the existing name of the Company automatically merges under the new name. Therefore, once the Government of India issued a notification, which reads as follows:-

"GOVERNMENT OF INDIA - MINISTRY OF CORPORATE AFFAIRS

Registrar of companies, Tamil Nadu, Chennai,
Andaman and Nicobar Islands

Fresh Certificate of Incorporation Consequent
upon Change of Name

Corporate Identity Number: U17111TN1993PTC026155

In the matter of M/s.VIJAY KARTHI SPINNERS PRIVATE LIMITED

I hereby certify that VIJAY KARTHI SPINNERS PRIVATE LIMITED which was originally incorporated on Fourth day of November Nineteen Hundred Ninety Three under the Companies At, 1956 (No.1 of 1956) as VIJAY KARTHIK SPINNERS PRIVATE LIMITED having duly passed the necessary resolution in terms of Section 21 of the Companies Act, 1956 and the approval of the Central Government signified in writing having been accorded thereto under Section 21 of the Companies Act, 1956, read with Government of India, Department of Company Affairs, New Delhi, Notification No.G.S.R.507 (E) dated 24.06.1985 vide SRN B95826368 dated 12.02.2014 the name of the said company is this day changed to SUNAICHANDRAN SPINTEX PRIVATE LIMITED and this Certificate is issued pursuant to Section 23(1) of the said Act."

the document has to be considered in tune with that. When we considered the sale deed, the sale deed has been purchased by the Managing Director and in which, it is clearly indicated that the property was purchased for and on behalf of the Company by the Managing Director and the patta was also given in the name of the Company and that now they want to change the name in the patta. Therefore, the authority shall now issue patta, if it is otherwise in order, within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar



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To

THE TAHSILDAR,
TALUK OFFICE,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

+1cc to Mr.A.Sivaji, Advocate, SR.No.15371
+1cc to Special Govt.Pleader SR.No.15429

W.P. (MD) No.2427 OF 2015
26.03.2015

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