

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1990 OF 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents No.4 to 6 in restraining the petitioner from conducting my business in GEM TEA and CHANDRA TEA, basing on the false complaints made by the 3rd respondent, pending my application before the competent authority/ Registrar of Trade Marks, Chennai as illegal, unwarranted, arbitrary and against the provisions of my right to life and liberty and the provisions under articles 14, 19, 21 of the Constitution of India and declaring the action of the 3rd respondent as illegal and void and against the provisions of Article 20 of the Constitution of India and direct the respondents No.4 to 6 not to interfere with my trade and business of selling TEA under the brand names of GEM TEA and CHANDRA TEA, direct the 3rd respondent not to make complaints in different police stations with the same allegations, in the interest of justice.”

2. The main grievance of the petitioner is that basing on the false complaints made by respondent No.3 alleging that some shops belonging to the petitioner are distributing/selling duplicate tea packets namely “GEM TEA” and “CHANDRA GOLD” and deceiving the public, respondent Nos.4 to 6 are interfering with the business of the petitioner.

3. Heard and perused the material available on record.

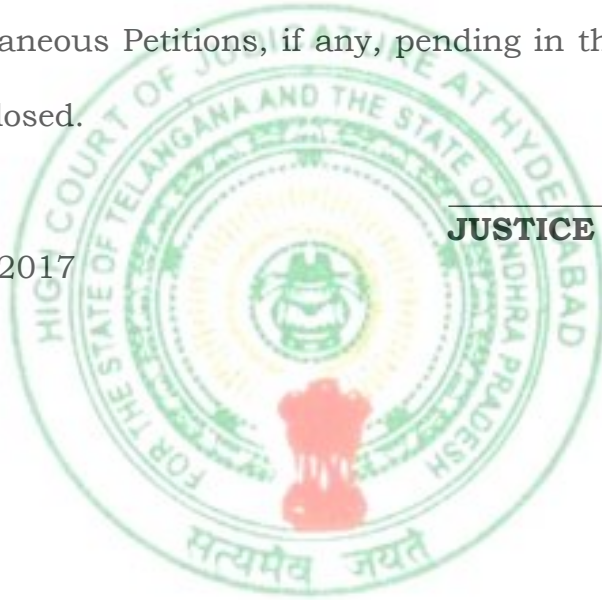
4. Considering all the facts and circumstances of the case, this Court is of the view that when there is a dispute with regard to Copy Rights, the parties should be directed to settle their disputes by approaching the competent authority. Hence, respondent Nos.4 to 6 are hereby directed not to interfere with the business of the petitioner and the parties may approach the competent authority, if so advised.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date : 03.08.2017
AMD

JUSTICE RAJA ELANGO



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AMD