

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.32324 of 2017

Hotel Swagath
represented by its Managing Partner
No.8-3-944/10&11, Mahboob Commercial Complex,
Main Road, Ameerpet,
Hyderabad-500 016
Andhra Pradesh

... Petitioner

vs.

1. The Registrar of Trade Marks,
Trade Marks Registry,
GST Road, Guindy,
Chennai - 600 032.

2. The Assistant Registrar,
Trade Marks Registry,
GST Road, Guindy,
Chennai - 600 032.

..Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation by Letter dated 13.06.2017 against opinion dated 11.04.2017 to the Assistant Commissioner of Police, Vanasthalipuram Division, Hyderabad-70, Telangana State.

For Petitioner : Mr.V.Sivakumar

For Respondents : Mr.T.V.Krishnamachari,
Senior Panel Counsel

ORDER

This Writ Petition is filed seeking for a Mandamus directing the respondents to consider the representation of the petitioner dated 13.06.2017, wherein and whereby, the petitioner has sought for reconsidering the opinion given by the second respondent to the Assistant Commissioner of Police, Vanasthalipuram Division, Rachakonda Commissionerate, Hyderabad-70, Telangana State.

2. Heard the learned counsel for the petitioner and the learned Senior Standing counsel appearing for the respondents.

3. It is seen that the petitioner has given a complaint on 14.02.2017 before the said Police official complaining that one M.Vidyasagar Reddy and others have started same business at Hanuman Temple, Kharmanghat, Ranga Reddy District, Hyderabad GHMC 500 079 (TS) and also in different places of twin cities of Hyderabad and Secunderabad and its surrounding areas in the name and style of 'Swagath Grand Hotel', identical to the trade mark of 'Swagath' of the petitioner. Consequent upon such complaint given by the petitioner, the said police official sought an opinion from the 2nd respondent through his communication dated 25.03.2017. Based on the said

communication, the 2nd respondent sent an opinion on 11.04.2017. The petitioner, feeling aggrieved against the said opinion, is now seeking for review of the opinion by way of the present writ petition.

4. It is seen that the petitioner was also informed by the 2nd respondent through communication dated 27.12.2017 that there is no provision under the Trade Marks Act to give a revised opinion. Therefore, if the petitioner is aggrieved against the opinion given by the 2nd respondent and the consequential infringement, the petitioner has to work out his remedy before the appropriate Forum under the Trade Marks Act and not to seek for review of the opinion as sought for in this writ petition. Therefore, I find no grounds to entertain the writ petition any further. Accordingly, the writ petition is disposed of without expressing any view on the claim made by the petitioner, however, by granting liberty to them to agitate the matter before the competent Forum under the Trade Marks Act. No costs.

सत्यमेव जयते

11.01.2018

Speaking/Non-speaking order

Index : Yes / No

vsi

Note: Issue order copy on 17.01.2018

K.RAVICHANDRABAABU,J.

Vsi

To

1. The Registrar of Trade Marks,
Trade Marks Registry,
GST Road, Guindy,
Chennai - 600 032.
2. The Assistant Registrar,
Trade Marks Registry,
GST Road, Guindy,
Chennai - 600 032.



W.P.No.32324 of 2017

WEB COPY

11.01.2018