

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No. 32457 of 2017
&
WMP No.35754 of 2017

Church of South India Trust Association
Represented by its Honorary Secretary,
Rev.Dr.Daniel Ratnakar Sadananda
5, Whites Road, Royapettah,
Chennai 600 014.Petitioner

Vs

1. The Registrar
Office of the Registrar of Companies,
Tamil Nadu, Chennai,
Shastri Bhavan,
26, Haddows Road,
Chennai - 600 006.
2. The Regional Director,
O/o. the Regional Director Southern Region Chennai
Ministry of Corporate Affairs,
Government of India
5th Floor, A Wing,
Shastri Bhavan,
26, Haddows Road,
Chennai - 600 006.
3. E.Premkumar
(impleaded as per order dated 01.02.2018
in WMP.No.1128 of 2018)
4. Dr.David Chellaraj
(impleaded as per order dated 22.02.2018
in WMP.No.4797 of 2018) Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the 1st respondent's proceedings in F.No.ROC-CHN/IPC/00346/2016 Dated 12.01.2016, and the consequential proceedings of the 2nd respondent in F.No.02/M-8831/2003 dated 02.06.2016 and quash the same.

For Petitioner : Mr.V.Jayaprakash

For Respondents : Mr.D.Rajagopal,
Assistant Solicitor General
Asst by Mr.V.Venkatesan (for R1 & R2)

: Mrs.Nalini Chidambaram
Senior counsel for
Ms. R.Sonia glory (for R3)

: Mr.T.R.Kumarasingh (for R4)

O R D E R

The prayer sought for in the present petition is to call for the records of the 1st respondent's proceedings in F.No.ROC-CHN/IPC/00346/2016 Dated 12.01.2016, and the consequential proceedings of the 2nd respondent in F.No.02/M-8831/2003 dated 02.06.2016 and quash the same.

2. Heard Mr.V.Jayaprakash, learned counsel for the petitioner, Mr.D.Rajagopal, learned Assistant Solicitor General for Respondents 1 & 2, and Mrs.Nalini Chidambaram, learned senior counsel for the respondent 3 and Mr.T.R.Kumarasingh, learned counsel for Respondent 4.

3. The petitioner has challenged an order seeking for report under Section 208 of the Companies Act. One of the procedures contemplated under the Companies Act 2013, for the purpose of ordering an investigation into the affairs of the company by "serious fraud investigating office" is on receipt of the report by the concerned Registrar under Section 208.

4. In other words, the report of the Registrar under Section 208 is to be followed by an order to be passed by the Central Government. The report as such may not give a cause of action to file a writ petition, since it is for the Central Government to form an opinion and consequently, order for an investigation. In the instant case, such a decision is yet to be made and as such, the present writ petition challenging the report under Section 208 can only be deemed to be premature.

5. In view of the same, I am not inclined to pass any order on the various grounds raised by the petitioner. If at all the petitioner is of the view that the subsequent order to be passed under Section 211 is against its interest, it is always open to them to challenge the same in the manner known to law.

6. With the above observations, the writ petition stands dismissed. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Registrar
Office of the Registrar of Companies,
Tamil Nadu, Chennai,
Shastri Bhavan,
26, Haddows Road,
Chennai - 600 006.
2. The Regional Director,
O/o. the Regional Director Southern Region Chennai
Ministry of Corporate Affairs,
Government of India
5th Floor, A Wing,
Shastri Bhavan,
26, Haddows Road,
Chennai - 600 006.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sonia Glory, Advocate, S.R.No.14143
+3cc to Mr.T.R.Kumarasingh, Advocate, S.R.No.13747
+1cc to Mr.DR.V.Venkatesh, Advocate, S.R.No.13764
+1cc to Mr.V.Jayaprakash, Advocate, S.R.No.14169

W.P.No.32457 of 2017 &
WMP No.35754 of 2017

RRK(14/03/2018)

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