

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.8230 of 2013

S.Santhanakrishnan

... Petitioner

Vs

1. The Registrar of Trade Marks,
Trade Marks Registry, Boundhist Samnada Bhavan,
Near Antophil Head Post Office,
SM Road, Antophil, Mumbai - 400 037.
2. The Deputy Registrar of Trade Marks,
Trade Marks Registry, IP Building, GST Road, Guindy,
Chennai - 600 002, Tamil Nadu.
3. S.Ramakrishnan
4. S.Y.Venkata Narasimhan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 and 2 to take Cognizance of the Complaint of the Petitioner dated 10.03.2010 and proceed in accordance with Rule 157 of the Trade Marks Rule 2002.

For Petitioner : Mr.D.Rajagopal

For R1 & R2 : Mr.C.V.Ramachandramurthy
No appearance for R3 & R4

O R D E R

The relief sought for in the present writ petition is for a direction to direct the Respondents 1 and 2 to take Cognizance of the Complaint of the Petitioner dated 10.03.2010 and proceed in accordance with Rule 157 of the Trade Marks Rule 2002.

2. The grievances of the writ petitioner is that, initially the petitioner and his brother 3rd respondent jointly doing seeval (Arecanut Flake) business in the name of the Ruby Seeval, for which, the petitioner and his brother obtained TM No.315407 during the year 1975. On account of certain disputes, the petitioner was deprived of his right on account of certain illegal actions and of his own brother.

3. The 3rd respondent had acted against the agreements as well as committed some irregularities in respect of the implementation of the Trade Marks Act. In this regard the petitioner submitted a complaint to the Respondents 1 and 2 on 10.03.2010.

4. The grievances of the writ petitioner is that the Respondents 1 and 2 have not taken any action so far in respect of the complaint filed by the writ petitioner under the provisions of the Trade Marks Act. This being the factum of the case, the 1st respondent is directed to consider the representations submitted by the writ petitioner on 10.03.2010 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the complaint and along with all other relevant documents.

5. Accordingly this writ petition stands disposed of. However, there shall be no order as to costs.

kak/ssr

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar of Trade Marks,
Trade Marks Registry, Boundhist Samnada Bhavan,
Near Antophil Head Post Office,
SM Road, Antophil, Mumbai - 400 037.
2. The Deputy Registrar of Trade Marks,
Trade Marks Registry, IP Building, GST Road, Guindy,
Chennai - 600 002, Tamil Nadu.

+1cc to M/s.D.Rajagopal, Advocate SR.NO.73548

CNR(CO)
sm:19.11.2018

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