

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.04.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S. RAMESH****W.P. (MD) No.8933 of 2018****and****W.M.P. (MD) No.8345 of 2018**

WEB COPY

M/s.Kohinoor Foundations Pvt Ltd.,
Rep., by its Director
Varatharajan
S/o.Nagarajan,
A-5, Salai Road,
Thillai Nagar,
Trichy.

... Petitioner

vs.

1. The Registrar of companies,
5th floor, Shastri Bhawan,
26 Haddows road,
Chennai.

2. The Sub-Registrar,
Registration Department,
K.Sathanoor,
Palani Nagar,
K.K.Nagar,
Trichy.

3.Kanaga Moorthy

4.Malini

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to consider and pass appropriate order on the representation dated 05.04.2018 of the petitioner and to take appropriate action against the third respondent from creating encumbrances on the land properties of the M/s.Kohinoor Foundations Pvt Ltd., within a stipulated time.

For Petitioner : Mr.N.R.Balaji

For R1 and R2 : Mr.Murugan

Government Advocate

O R D E R

Mr.Murugan, learned Government Advocate, takes notice for the respondents 1 and 2. Notice to the respondents 3 and 4 is dispensed with in view of nature of the order to be passed by this Court.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 05.04.2018 seeking to take appropriate action against the third respondent for creating encumbrances on the properties of M/s.Kohinoor Foundations Pvt Ltd., has not been considered by the second respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 05.04.2018 on its own merits and take further action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 3 and 4 and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Cs-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Registrar of companies,
5th floor, Shastri Bhawan,
26 Haddows road,
Chennai.



2. The Sub-Registrar,
Registration Department,
K.Sathanoor,
Palani Nagar,
K.K.Nagar,
Trichy.

+1cc to Mr.N.R.Balaji, Advocate Sr.No.63203
+1cc to Spl.Government Pleader Sr.No.63033

RMI/KRK

VB/SV/MMS/SAR2/14/05/2018/3P/5C

W.P. (MD) No.8933 of 2018
and
W.M.P. (MD) No.8345 of 2018
23.04.2018