

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.13163 & 13166 of 2019

and

W.M.P.Nos.13284, 13285, 13288 & 13289 of 2019

Gulam Khader Basha

...Petitioner  
(in WP.No.13163 of 2019)

Amjad Nurullah Basha

...Petitioner  
(in WP.No.13166 of 2019)

Vs.

1.Union of India

Represented by its Secretary  
Ministry of Corporate Affairs  
Shastri Bhawan, Dr.Rajendra Prasad Road,  
New Delhi-110 001.

2.Registrar of Companies

Tamil Nadu, Chennai,  
Block No.6, B Wing, 2nd Floor  
Shastri Bhawan,  
26, Haddows Road, Chennai-600 034.

...Respondents  
(in both WPs)

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent relating to the impugned orders dated 01.11.2017 uploaded in the website of the 1st respondent insofar as the petitioners herein are concerned, quash the same as illegal, arbitrary and devoid of merits and consequentially, direct the respondents herein to permit the petitioners to get reappointed as Director of any Company or appointed as Director in any Company without any bar or hindrance.

For Petitioner : Mr.C.Sakthimanikandan  
(in both WPs)

For Respondents : Mr.J.Madanagopal Rao  
Central Government  
Standing Counsel  
(in both WPs)

C O M M O N      O R D E R

Mr.J.Madanagopal Rao, learned Central Government Standing Counsel takes notice for the respondents. By consent of the parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners are aggrieved against the impugned orders dated 01.11.2017, disqualifying them as the Directors of the concerned Company.

3. It is not in dispute that the issue involved in these cases, is squarely covered by a decision of this Court made in a batch of similar cases in W.P.Nos.25455/2017 etc., dated 03.08.2018, which was subsequently followed by another batch of similar cases in WP.Nos.23741 & 4981 of 2018 etc., dated 12.04.2019, wherein, the impugned action of disqualification was set aside.

4. In view of the above, these Writ Petitions are allowed and the impugned orders are set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1.Union of India  
Represented by its Secretary  
Ministry of Corporate Affairs  
Shastri Bhawan, Dr.Rajendra Prasad Road,  
New Delhi - 110 001.

2.Registrar of Companies  
Tamil Nadu, Chennai,  
Block No.6, B Wing, 2nd Floor  
Shastri Bhawan,  
26 Haddows Road, Chennai-600 006.

+1cc to Mr.C.Sakthimanikandan, Advocate SR.No.41528

W.P.Nos.13163 & 13166 of 2019

SVI (CO)  
GMY (18/06/2019)