

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.13270 & 13332 of 2019

and

W.M.P.Nos.13438, 13440, 13386 & 13385 of 2019

Sivaperumal Ganesh

...Petitioner
(in WP.No.13270 of 2019)

James Stephen Paul Samuel

...Petitioner
(in WP.No.13332 of 2019)

Vs.

1.Registrar of Companies
Block No.6, B Wing, 2nd Floor
Shastri Bhawan, 26
Haddows Road,
Chennai-600 034.

2.The Secretary
Ministry of Corporate Affairs
5th Floor, "A" Wing
Shastri Bhawan, Rajendra Prasad Road,
New Delhi - 110 001.

...Respondents
(in both WPs)

Writ Petition No.13270 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the notification passed by the 1st respondent dated 01.11.2017 published in the official website of MCA and quash the same under Sec.164(2) of the Companies Act, as void, illegal and unconstitutional as far as the petitioner is concerned and directing the respondents to permit the petitioner to continue as the Director of RATHNA STORES PRIVATE LIMITED, A.G.S. RATHNA STORES PRIVATE LIMITED and KODAI VALLEY VIEW RESORTS PRIVATE LIMITED.

Writ Petition No.13332 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the notification passed by the 1st respondent dated 01.11.2017 published in the official website of MCA and quash the same

under Sec.164(2) of the Companies Act, as void, illegal and unconstitutional as far as the petitioner is concerned and directing the respondents to permit the petitioner to continue as the Director of GRACE TECHNOLOGY SOLUTIONS PRIVATE LIMITED AND CHRYSABLE TECHNOLOGIES PRIVATE LIMITED.

For Petitioner : Mr.Murugesh Kasivel
(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.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

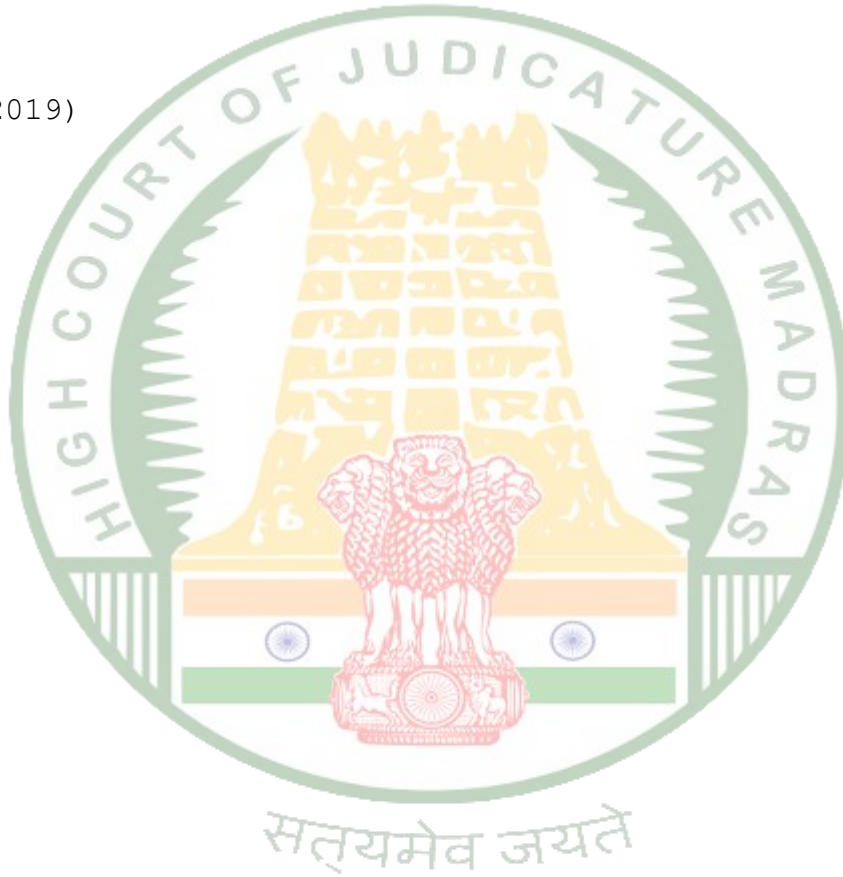
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+4 CCS to Mr.Murugesh Kasivel, Advocate sr 41513, 41514.

W.P.Nos.13270 & 13332 of 2019

JP (CO)
SP (16/05/2019)



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