

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3568 of 2016

K.C.P.Surender Gounder

.. Petitioner

Vs.

1. The Registrar of Companies,
Block No.6, B Wing,
2nd Floor, Shastri Bhawan,
26, Haddows Road,
Chennai - 600 034.
 2. The Regional Director,
Registrar of Companies,
Block No.6, B Wing,
2nd Floor, Shastri Bhawan,
26, Haddows Road,
Chennai - 600 034.
 3. C.G. Holdings Private Limited,
No.19, Raja Annamalai Buildings,
Marshalls Road,
Chennai - 600 008.
Rep. by its Managing Director
- .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to rectify the 3rd respondent's records to reflect that the petitioner has never been a Director of the 3rd respondent Company.

For Petitioner : Mr.R.Ashraf Khan

For RR1 & 2 : Mr.V.Venkatesan
Senior Central Govt. Standing Counsel

For R3 : Mr.Thiageswaran
for M/s.Waraon & Sairam

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to rectify the third respondent's records to reflect that the petitioner has never been a Director of the third respondent Company.

2. The case of the petitioner is that in an English Daily dated 01.06.2014, it had been reported that a charge sheet had been filed in the Court of the Chief Metropolitan Magistrate, Egmore for the alleged offences of misappropriation of property pertaining to a company Cheran Enterprises (P) Ltd. against its Managing Director and the petitioner and others. After enquiry, the petitioner came to know that the third respondent company had filed Form 32 with the first respondent by showing the petitioner's name as a Director on its board with effect from 21.09.2004. Hence, the petitioner sent a legal notice dated 12.07.2014 to the third respondent to cancel the Form 32 filed by them. The third respondent in its reply notice dated 21.07.2014 stated that they had committed an inadvertent error in filing the Form 32 and informed the petitioner to approach the appropriate forum to rectify the same. Thereafter, the petitioner sent the legal notice dated 26.08.2014 to the first and second respondents to rectify the same. But till date, no action has been taken by the first and second respondents. Hence, the mandamus has been sought for.

3. Heard the learned counsel appearing on both sides.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's legal notice dated 26.08.2014 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the third respondent herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

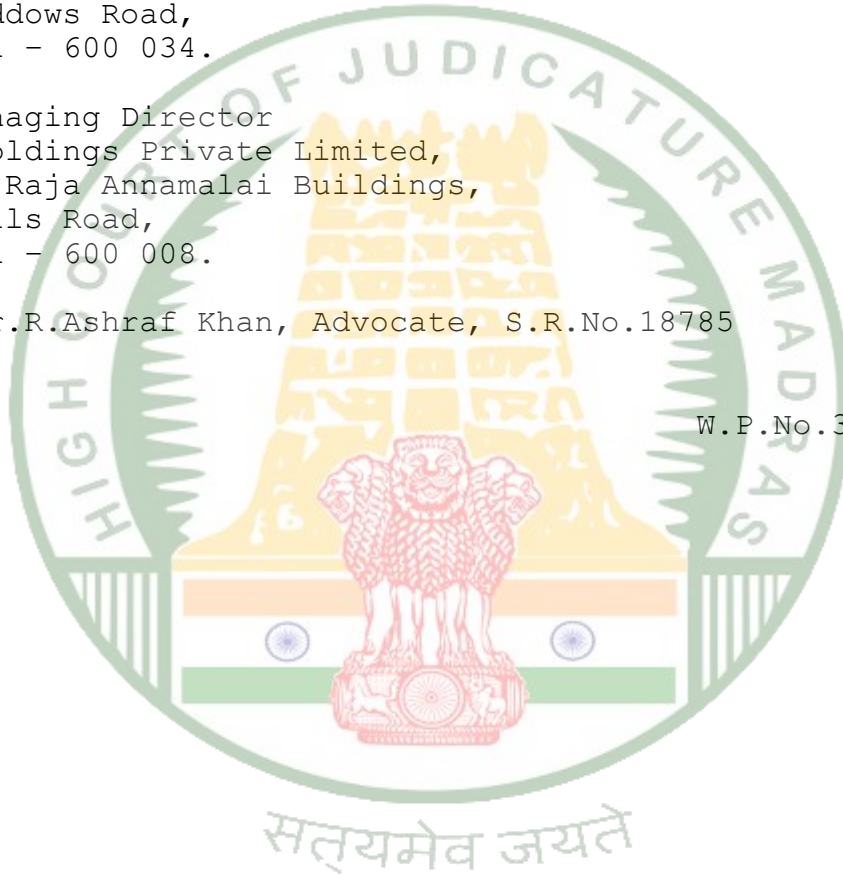
1. The Registrar of Companies,
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2nd Floor, Shastri Bhawan,
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2. The Regional Director,
Registrar of Companies,
Block No.6, B Wing,
2nd Floor, Shastri Bhawan,
26, Haddows Road,
Chennai - 600 034.

3. The Managing Director
C.G. Holdings Private Limited,
No.19, Raja Annamalai Buildings,
Marshalls Road,
Chennai - 600 008.

+1cc to Mr.R.Ashraf Khan, Advocate, S.R.No.18785

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