

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2019

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.14340 of 2019 and
W.M.P.Nos.14405 & 14406

Baskaran Kandiah

...Petitioner

Versus

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

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

...Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order of disqualification under Section 164(2) dated 01.11.2017, uploaded and hosted on the website (www.mca.gov.in) of the 1st respondent on 03.11.2017 in so far as the petitioner herein is concerned and quash the status "Disqualified under Section 164(2)" against his Director Identification Number (DIN No.03340648) as illegal, arbitrary and deviod of merits and consequently direct the respondents herein to permit the petitioner to get reappointed as Director of any Company or appointed as Director in any company or to continue / act as Director in any Active Company without any hindrance.

For Petitioner :: Mr.DH.Aravind Pandian for
M/s.Fox Mandal and Associates

For Respondents :: Mrs.Swarnalatha
Central Government Standing Counsel
for Central Government

ORDER

The writ petition had been filed in the nature of Certiorari Mandamus, calling for the records of the 2nd respondent relating to the impugned order of disqualification under Section 164(2) dated 01.11.2017, uploaded and hosted on the website (www.mca.gov.in) of the 1st respondent on 03.11.2017 in so far as the petitioner herein is concerned and quash the status "Disqualified under Section 164(2)" against his Director Identification Number (DIN No.03340648) as illegal, arbitrary and devoid of merits and consequently direct the respondents herein to permit the petitioner to get reappointed as Director of any Company or appointed as Director in any company or to continue / act as Director in any Active Company without any hindrance.

2.The petitioner is aggrieved against the impugned order dated 08.09.2017 read with the updated list dated 01.11.2017, disqualifying him as the Director of the concerned Company.

3.It is not in dispute that the issue involved in this case, is squarely covered by a decision of this Court made in a batch of similar cases in W.P.Nos.25455 of 2017 etc., dated 03.08.2018, which was subsequently followed by another batch of similar cases in W.P.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, this Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

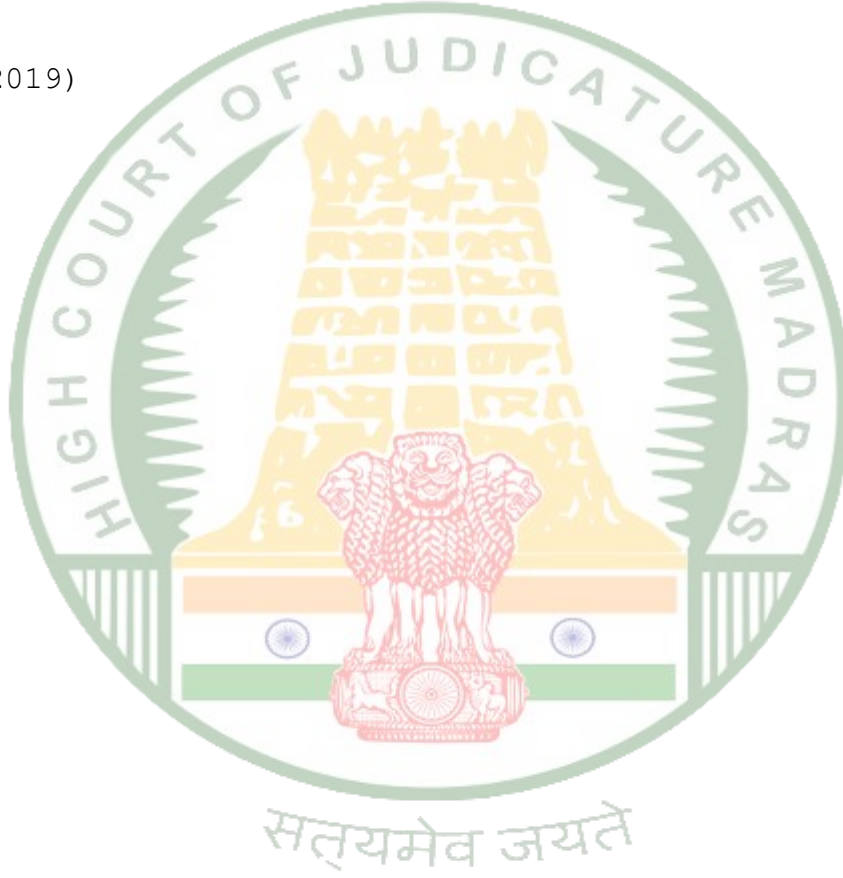
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svi(co)
mp(21/05/2019)



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