

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.558 of 2017
WMP.Nos.596 and 597 of 2017

E.Premkumar

Petitioner

Vs

- 1.The Secretary, Government of India,
Ministry of Corporate Affairs, New Delhi
- 2.The Regional Director, Ministry of Corporate Affairs
Chennai-6
- 3.The Registrar of Companies, Tamil Nadu, Andaman
and Nicobar Islands, Chennai-6
- 4.The Director, Serious Fraud Investigation Office
New Delhi
- 5.The Senior Assistant Director (Investigation)
Inspector and Investigation Officer,
Serious Fraud Investigation Office, Chennai-1
- 6.The Secretary, Church of South India Trust Association
Chennai-14
- 7.The Secretary, CSI Synod,
Chennai-14

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st Respondent to take action on the reports which had been submitted by the Respondents 2 and 3 vide dated 22.05.2012, 11.07.2014, 17.09.2014, 12.01.2016 and 02.02.2016 relating to Clause 4 of the Memorandum and Articles of Association.

For Petitioner : Mrs.Nalini Chidambaram, SC for
Mr.M.Ravi

For Respondents : Mr.Venkatasamy Babu, CGSC-RR1 to 5
Mr.Sevaraj for Mr.D.Prabhu Mukunth-R6
Mr.Adrian D.Rozario-R7

ORDER

The prayer in this Writ Petition is to direct the 1st Respondent to take action on the reports, which had been submitted by the Respondents 2 and 3, vide dated 22.05.2012, 11.07.2014, 17.09.2014, 12.01.2016 and 02.02.2016, relating to Clause 4 of the Memorandum and Articles of Association.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The learned standing counsel for the 1st Respondent would submit that the 1st Respondent had passed an order in File No.07/131/2011/CL-II(SR), dated 07.05.2018, on the basis of the report dated 13.12.2017, which is the prayer sought for in this Writ Petition and hence, there is nothing survives for adjudication in this Writ Petition.

4. The learned counsel for the 6th Respondent would submit that as against the said order, dated 07.05.2018 of the 1st Respondent, the 6th Respondent had filed a Writ Petition in WP.No.29341 of 2018, in which an order of interim stay was obtained on 11.10.2018 and the said Writ Petition is pending.

5. In the light of the above facts and circumstances and the submissions of the learned counsel on either side, this Writ Petition is dismissed, as infructuous. However, liberty is granted to the Petitioner to seek appropriate remedy before appropriate forum. No costs. Consequently, the connected MPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Secretary, Government of India,
Ministry of Corporate Affairs,
5th Floor, A Wing,
Shastri Bhavan, New Delhi

2.The Regional Director,
Shastri Bhavan, 26, Haddows Road,
Ministry of Corporate Affairs
Chennai-6

3.The Registrar of Companies, Tamil Nadu, Andaman
and Nicobar Islands, 26, Haddows road, Chennai-6.

4.The Director, Serious Fraud Investigation Office
2nd Floor, Pryavaren Bhavan,
CGO Complex, Lodhi Road,
New Delhi

5.The Senior Assistant Director (Investigation)
Inspector and Investigation Officer,
Serious Fraud Investigation Office,
29, Rajaji Salai, Chennai-600 001

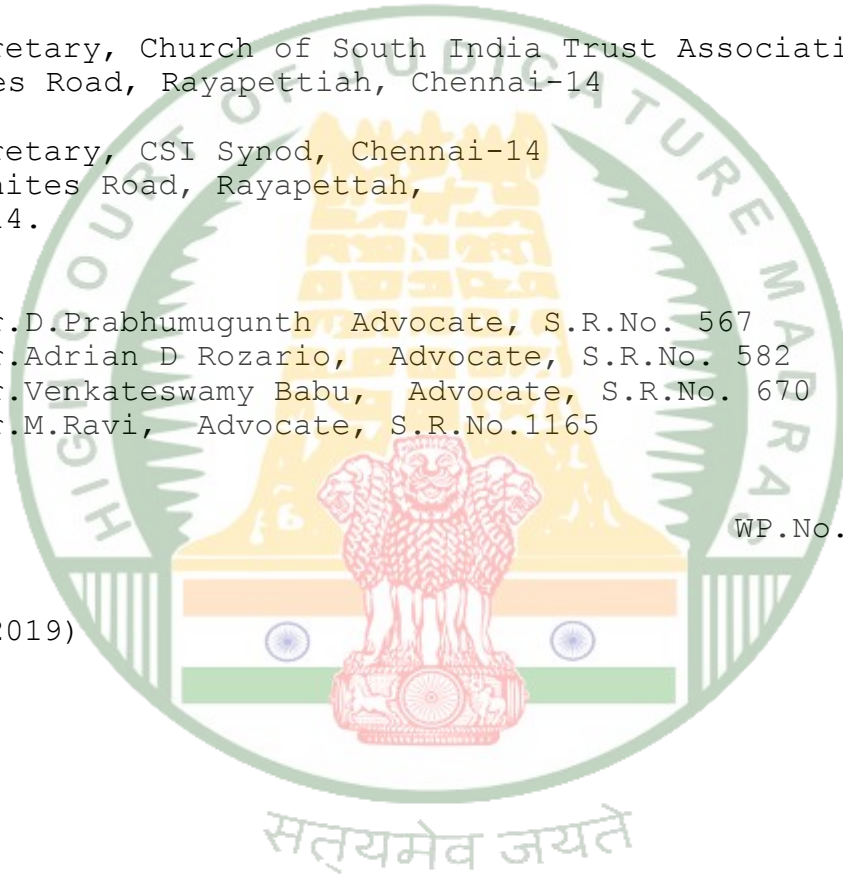
6.The Secretary, Church of South India Trust Association
5th Whites Road, Rayapettiah, Chennai-14

7.The Secretary, CSI Synod, Chennai-14
No.5, Whites Road, Rayapettah,
Chennai-14.

+1cc to Mr.D.Prabhumugunth, Advocate, S.R.No. 567
+1cc to Mr.Adrian D Rozario, Advocate, S.R.No. 582
+1cc to Mr.Venkateswamy Babu, Advocate, S.R.No. 670
+1cc to Mr.M.Ravi, Advocate, S.R.No.1165

WP.No.558 of 2017

KJI (CO)
GN(23/01/2019)



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