



20BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13402 of 2019andW.M.P. (MD) No.9972 of 2019

M/s.Sahee Leathers,
rep. by its Proprietor
Mohamed Abdullah

...Petitioner

-Vs-

The Registrar of Geographical
Indications,
Geographical Indications Registry,
IPO Building, GST Road,
Chennai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to hear, decide and pass orders in the application filed by the petitioner in Diary No.502/2019 in Rectification Application No.1 of 2017 in Geographical Indication No.95 registered in Class 18 as a preliminary issue.

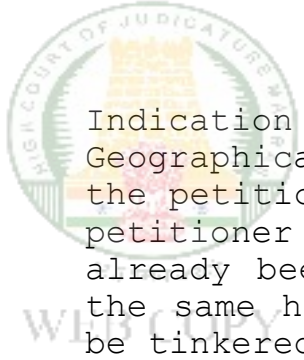
For Petitioner : Mr.M.Digvijayapandian
For Respondents : Mrs.K.Raghavendere, CGSC

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent to hear, decide and pass orders in the application filed by the petitioner in Diary No.502/2019 in Rectification Application No.1 of 2017 in Geographical Indication No.95 registered in Class 18 as a preliminary issue.

2.Heard Mr.M.Digvijayapandian, learned counsel appearing for the petitioner and Mrs.K.Raghavendre, learned Central Government Standing Counsel appearing for the respondent.

3.According to the learned counsel appearing for the petitioner, the petitioner is an authorised User of Geographical Indications issued the authorities concerned under the Geographical Indications of Goods (Registration and Protection) Act, 1999 (hereinafter referred to as 'the Act'). While so, some of the private parties, who are not located in the geographical area, where the petitioner is an authorised User of Geographical Indications, seems to have approached the respondent authority i.e. the Registry of Geographical Indications at Chennai and filed Geographical



Indication Petition in Rectification Application No.1 of 2017 in Geographical Indication No.95. In this context, it is the stand of the petitioner as projected by the learned counsel appearing for the petitioner that insofar as the petitioner is concerned, since he has already been declared so in Geographical Indication No.95 and once the same has already been registered and declared, the same cannot be tinkered with, without the manner known to law, especially, under the provisions of the said Act.

4. In this context, it is the further case of the petitioner that, the very Rectification Application 1/2017 filed by the third parties is not at all maintainable for adjudication before the respondent and therefore, with regard to the maintainability of the said Rectification Application, a decision has to be made. Therefore, in that context, the petitioner had already filed an interlocutory petition to decide the maintainability of Rectification Application filed by the third parties before the respondent Registrar and the said interlocutory application, though has been numbered and Diary No.502 of 2019 has been given, the same is pending before the respondent and the same has not been taken up for hearing and it has not been decided so far on merits. Therefore, in this context, it is the only grievance of the petitioner that if the said application for maintainability of the Rectification Application No.1/2017 on the file of the respondent is directed to be decided on merits at an early date or within a time frame to be fixed by this Court, the petitioner would be satisfied.

5. I have heard the learned Central Government Standing Counsel appearing for the respondent, who would submit that insofar as the interlocutory application is concerned, since Diary number has already been given it would be taken up in due course and on merits, it would be decided.

6. In a similar circumstance, when some of the petitioners approached the Principal Seat of this Court at Chennai in W.P.(MD) No.33496 of 2018, the learned Judge of this Court, by order dated 08.01.2019, has passed an order simpliciter by way of mandamus, directing the Registrar i.e., the respondent herein, who is also the respondent therein in that writ petition to decide such applications on merits within a time frame. That order has also been very much relied upon by the learned counsel appearing for the petitioner, as only an innocuous prayer since has been sought for in this writ petition, following the said decision of this Court, orders can be passed in this writ petition also.

7. I have considered all the submissions made by both sides and the materials placed before this Court.

8. The only grievance of the petitioner is that, his interlocutory application in Diary No.502 of 2019 filed before the respondent Registrar in Rectification Application 1 of 2017 in Geographical Indication No.95 has to be decided on merits at an



early date.

9. In view of the said innocuous prayer, this Court is inclined to dispose of this writ petition with the following direction:

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The respondent is hereby directed to take up the interlocutory application in Diary No.502 of 2019 (petition for maintainability of Rectification Application 1/2017 in Geographical Indications No.95), if it is otherwise in order and after affording reasonable opportunity to both sides, decide the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is needless to mention that unless the interlocutory application for maintainability filed by the petitioner is decided in one way or other on merits, the main application i.e. Rectification Application 1 of 2017 shall not be decided on merits.

10. With the above direction, this petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

TO

The Registrar of Geographical
Indications,
Geographical Indications Registry,
IPO Building, GST Road,
Chennai.

+1cc to Mr.S.RAGAVENTHRE, Advocate, SR.No. 68897

+1cc to Mr.DIGVIJAYA PANDIAN, Advocate, SR.No. 68703

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KK/SAR/18.06.2019/3P-4C

Order made in

W.P. (MD) No.13402 of 2019

Dated:

14.06.2019