



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.20456 of 2019
and
W.M.P (MD)No.17084 of 2019

S.Ayyapparajan

... Petitioner

vs.

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

2.The President,
ZKM Educational Foundation,
Bodinayakanur, Theni District.

3.The Secretary,
ZKM Educational Foundation,
Bodinayakanur, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.08.2019 and to conduct an enquiry in respect of the conduct of the respondents in exercising such right within the authority of law.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Ms.B.Deepa
Central Government Standing Counsel
for Mr.P.Pannirselvam,
Senior Panel Counsel for R.1

ORDER

Mr.G.Prabhu Rajadurai, learned counsel on record for writ petitioner is before this Court.

2.Ms.B.Deepa, learned Central Government Standing Counsel for Mr.P.Pannirselvam, learned Senior Panel Counsel accepts notice on



behalf of first respondent.

3.To be noted, respondents 2 and 3 are private respondents. In the hearing, learned counsel for writ petitioner restricts his prayer to direction for disposal of representation within a time frame. From the abridged prayer it comes to light that an order, which is not adverse to the rights of respondents 2 and 3 (private respondents) can be passed, after making sufficient and adequate safeguards in this regard which shall be set out infra elsewhere in this order.

4.With consent of learned counsel on record for the writ petitioner and learned Central Government Standing Counsel who accepts notice on behalf of first respondent (official respondent), main writ petition is taken up, heard out and is being disposed of.

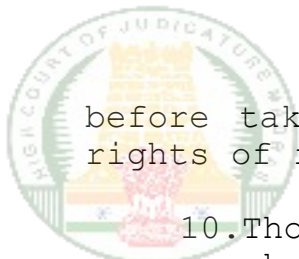
5.The main writ petition now turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 19.08.2019 wherein writ petitioner requested an enquiry apprehending deletion of his name from the records of the entity concerned.

6.Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of a representation of the writ petitioner dated 19.08.2019.

7.Learned Central Government Standing counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 19.08.2019 made by the writ petitioner (page Nos.18 and 19 of the typed set of papers forming part of the case file).

8.The aforesaid representation dated 19.08.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the first respondent, if the right of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall put on notice and give reasonable opportunity to such third party / parties or third party entity / entities, before disposing of the aforementioned writ petitioner's representation. It is also made clear with specificity that respondents 2 and 3 has to be put on



before taking a decision. To be noted, this is the safeguard qua rights of respondents 2 and 3 alluded to supra.

10. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. Though obvious, it is also made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11. The proceedings / order of disposal shall be communicated by the office of the first respondent to the writ petitioner and respondents 2 and 3 under due acknowledgement within seven working days from the date of proceedings / order.

12. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To
The Registrar of Companies,
Block No.6, B Wing, 2nd Floor,
Shastri Bhavan, 26, Haddows road,
Chennai-600 034.

1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-88632[F] dated 23/09/2019)

+1 CC to M/s.P.PANNIRSELVAM, Advocate (SR-88701[F] dated 23/09/2019

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