

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5931 of 2020

and

W.M.P.Nos.6949 & 6951 of 2020

Surendra Babu
S/o.R.Natesan

...Petitioner

Vs.

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

2.The Registrar of Companies
Block No.6, B Wing 2nd Floor,
Shastri Bhawan
26, Haddows Road,
Chennai-600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 01.11.2017, uploaded and hosted on the website of the 1st respondent insofar as the petitioner herein is concerned, and quash the status "Disqualified under Section 164(2)" against his Director Identification Number (DIN No.03627189) as illegal, arbitrary and devoid of merits and consequentially, 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 act as Director in any Active Company without any hindrance.

For Petitioner : Mr.U.Rajeswaran

For Respondents: Mr.P.Punniyakoti

Central Government Standing Counsel

O R D E R

Mr.P.Punniyakoti, learned Central Government Standing Counsel takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the impugned order 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.25455/2017 etc., dated 03.08.2018, which was subsequently followed by another batch of similar cases in WP.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.

S/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,
Union of India
Ministry of Corporate Affairs
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi-110 001.

2.The Registrar of Companies
Block No.6, B Wing 2nd Floor,
Shastri Bhawan
26, Haddows Road,
Chennai-600 006.

W.P.No.5931 of 2020

+1cc to Mr.V.Rajeswaran, Advocate, S.R.No.20438

+1cc to Mr.K.Poomalai, Advocate, S.R.No.20761

GP(CO)

rli(20/05/2020)