

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5365 of 2020

and

W.M.P.Nos.6302 & 6303 of 2020

Bernard Raj Lawrence

No.2, Hiram Cottage Nr. Old Busstand

Thuckalay

Kanyakumari District - 629 175.

...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-600 034.

....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 in the website of the 1st respondent insofar as the petitioner is concerned with (DIN) Director Identification Number 02350690 under Section 164(2)(a) of the Companies Act, 2013, first list for the block years 2013-2014, 2014-2015 and 2015-2016 and quash the same as illegal, arbitrary and devoid of merit and may direct the respondents to activate the Director Identification Number and Digital Signature of the petitioner or get appointed or reappointed as Director of any company without any hindrance.

For Petitioner : Mr.M.Velu

For Respondents : Mr.A.Vijayakumar

Central Government Standing Counsel

O R D E R

Mr.A.Vijayakumar, 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.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

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-600 034.

+2cc to Mr.P.Stella Mary, Advocate Sr.No.18772

+1cc to Mr.A.Vijayakumar, Advocate SR.No.18602

AKM/10.03.2020 /2P-6C/

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