

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6841 of 2020

and

W.M.P.Nos.8150 & 8153 of 2020

Srirangan Sripathmanathan

...Petitioner

Vs.

1.Union of India

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

2.Office of the Registrar of Companies

Registrar of Companies
Tamil Nadu, Chennai
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, to call for the records of the 2nd respondent relating to the impugned order of disqualification under Section 164(2) dated 01.11.2017, uploaded and hosted on the website (www.mca.gov.in) 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.03357575) as illegal, arbitrary and devoid of merits and consequentially, direct the respondents herein to permit the petitioner to appoint as Director in existing active company and/or in any new company that may be incorporated without any hindrance.

For Petitioner : Mr.S.Aravindan

For Respondents: Mr.R.Vasudevan

Central Government Standing Counsel

O R D E R

Mr.R.Vasudevan, 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/-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

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To

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

2.The Registrar of Companies
Office of the Registrar of Companies
Tamil Nadu, Chennai
Block No.6, B Wing, 2nd Floor
Shastri Bhawan 26,
Haddows Road, Chennai-600 034.

+1 cc to Mr.R.Vasudevan Advocate sr24143

+1 cc to M/s.Fox Mandal Associates sr 24378

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