

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11032 of 2020 and
W.M.P.Nos.13422 & 13424 of 2020

Mr.Malikarjunan Kunjan Nair

...Petitioner

Vs

1. The Registrar of Companies
The Office of the Registrar of Companies,
5th floor, Shastri Bhavan,
No.26, Haddows Raod, Chennai 600 006.

2. Union of India,
Through its Secretary,
Ministry of Corporate Affairs,
5th Floor, 'A' Wing,
Shastri Bhavan, New Delhi-110 001

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order dated 01.11.2017 uploaded in the website of the 2nd respondent insofar as the petitioner herein is concerned, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit petitioner to get reappointed as Director of any Company or appointed as Director in any Company without any hindrance.

For Petitioner : Mr.G.Sudhakar
For Respondents : Ms.Anuradha
ACGSC

ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. Ms.Anuradha, learned Additional Central Government Standing Counsel takes notice for the respondents. By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is aggrieved against the impugned order dated 01.11.2017, disqualifying him as Director of the concerned Company.

4. It is not in dispute that the issue involved in this writ petition, 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.

5. In view of the above, this Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Registrar of Companies
The Office of the Registrar of Companies,
5th floor, Shastri Bhavan,
No.26, Haddows Raod, Chennai 600 006.
2. The Secretary,
Union of India,
Ministry of Corporate Affairs,
5th Floor, 'A' Wing,
Shastri Bhavan, New Delhi-110 001

+1cc to M/s.Anuradha Sekar, Advocate, S.R.No.33225

+1cc to M/s.G.Sudhakar, Advocate, S.R.No.33327

W.P.No.11032 of 2020 and
W.M.P.Nos.13422 & 13424 of 2020

GP(CO)
RV(10/11/2020)

WEB COPY