

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.14799, 14800 & 14802 of 2020

&

W.M.P.Nos.18390 to 18393, 18395 & 18398 of 2020

(Heard through VC)

Malikarjunan Kunjan Nair

..Petitioner in
W.P.No.14799 of 2020

Siva Jambulingam Balakrishnan

.. Petitioner in
W.P.No.14800 of 2020

Balakrishnan Sivasubramaniam Jambulingam

.. Petitioner in
W.P.No.14802 of 2020

Vs

1. The Registrar of Companies,
Office of the Registrar of Companies,
5th Floor, Shastri Bhavan,
No.26, Haddows Road, Chennai.
Tamil Nadu - 600 006.

.. 1st Respondent in
W.P.No.14799 of 2020

1. The Registrar of Companies,
AGT Business Park, Avinashi Road,
Civil Aerodrome Post,
Coimbatore,
Tamil Nadu .

..1st Respondent in
W.P.Nos.14800 & 14802 of 2020

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

.. 2nd Respondent
in all W.Ps.

Common Prayer: Writ Petitions 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, 08.09.2017 and 11.09.2017, respectively, uploaded in the website of the 2nd respondent insofar as the petitioner herein is concerned, quash the same as illegal, arbitrary and devoid of merits 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
in all W.Ps.
For Respondents : Ms.M.P.Jaisha
in all W.Ps. CGSC

COMMON ORDER

Ms.M.P.Jaisha, learned Central Government Standing Counsel takes notice for the respondents.

2. By consent of the parties, these writ petitions are taken up for final disposal at the admission stage itself.

3. The petitioners are aggrieved against the impugned order dated 01.11.2017, 08.09.2017 and 11.09.2017, respectively, disqualifying them as Director of the concerned Company.

4. It is not in dispute that the issue involved in these writ petitions, 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, these Writ Petitions are allowed and the impugned orders are 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,
Office of the Registrar of Companies,
5th Floor, Shastri Bhavan,
No.26, Haddows Road, Chennai.
Tamil Nadu - 600 006.
2. The Secretary,
Union of India,
Ministry of Corporate Affairs,
5th Floor, A Wing,
"Shastri Bhawan", New Delhi - 110 001.

+1cc to M/s.G.Sudhakar, Advocate in SR.NO..34175, 34176, 34177

W.P.Nos.14799, 14800 & 14802 of 2020

&
W.M.P.Nos.18390 to 18393, 18395
& 18398 of 2020

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