

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1138 of 2021

Sirajuddein Mohammed Subair

.. Appellant

Vs

1.Union of India

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

2.Registrar of Companies Tamil Nadu,
Coimbatore,

No.7, AGT Business Park,
I Floor, Phase II, Avinashi Road,
Civil Aerodrome Post,
Coimbatore - 641 014.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2020 passed in W.P.No.33513 of 2019.

Prayer in W.P.No.33513 of 2019:

This Petition filed under Article 226 of the Constitution of India, pleaded to issue writ order or Direction more particularly a writ in the nature of writ of certiorarified Mandamus calling for the records of the 2nd respondent relating to the impugned order dated 26-11-2016, uploaded on the website of the 1st Respondent in so far as the petitioner herein is concerned, and quash the status "Disqualified under section 164 (2)" against his Director identification Number (DIN No 01582023) 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 Appellant : Ms.K.S.Shanthi
For Respondents : Mr.C.Kulanthaivel for R1

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 27.01.2020 passed in W.P.No.33513 of 2019, whereby the learned single Judge dismissed the writ petition.

2.The issue involved is no longer res interga. Learned counsel appearing for the appellant and the learned counsel appearing for the first respondent submitted that the question of invoking disqualification has already been considered by a Division Bench of this Court, holding in favour of the similarly placed person like the appellant. Reliance has been made on the recent judgment of the Division Bench dated 26.03.2021 in W.A.No.908 of 2021 (Durairaj Dhanasekaran Vs. Union of India and another), which took into consideration the earlier judgment passed by this Court. The operative portion of the judgment dated 26.03.2021 reads as under:

2. A Division Bench of this Court, in a batch of writ appeals, decided on October 9, 2020, in Meethelaveetil Kaitheri Muralidharan and others v. Union of India and another, reported in (2020) 6 CTC 113 : (2020) 7 MLJ 641 : 2020 SCC OnLine Mad 2958, allowed all the writ appeals and held that prior notice is necessary before disqualifying Directors under Section 164(2) of the Companies Act, 2013 and that the Registrar of Companies is not entitled to deactivate the Director Identification Number (DIN) for failure to file financial statements under applicable law and rules framed thereunder. The present writ appeal is squarely covered by the said judgment.

3.In view of the above, this writ appeal is allowed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mmi

To

1.Union of India

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2.Registar of Companies Tamil Nadu,

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I Floor, Phase II, Avinashi Road,
Civil Aerodrome Post,
Coimbatore - 641 014.

+1cc to M/s.P.Ambili menon, Advocate, S.R.No.24905

+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.24960

W.A.No.1138 of 2021

RLD(CO)
CB(21/06/2021)



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