

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

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

W.A.No.1045 of 2021
and C.M.P.No.6616 of 2021

Sha Nijam Babu Rashid Beig ... Appellant/ Petitioner

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,

Block No.6,
B Wing, 2nd Floor, Shasthri Bhavan,
26, Haddows Road,
Chennai - 6.

... Respondents/ Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 27.01.2020 passed in W.P.No.30037 of
2019.

Prayer W.P.No.30037 of 2019:

Writ Petition filed under Article 226 of the Constitution of
India Praying for issuance of a Writ of Mandamus to Calling for
the records of the 2nd respondent relating to the Impugned Order
as on 17.12.2018 uploaded in the website of the 1st respondent
in so far as the Petitioner herein is concerned quash the same
as illegal arbitrary and devoid of merit 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 without any hindrance.

For Appellant : Mr.A.M.Ilango

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.30037 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi
To

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,
Block No.6,
B Wing, 2nd Floor, Shasthri Bhavan,
26, Haddows Road, Chennai - 6.

+1cc to Mr.C.Kulanthaivel, Advocate SR.No. 26088

W.A.No.1045 of 2021

svi (CO)

A.SK(07.07.2021)



WEB COPY