



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM

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

W.A.Nos.1675, 1676 and 1677 of 2021

Arun Rajasambandam ... Appellant in W.A.No.1675
of 2021/Petitioner in W.P

Umapathy Coimbatore Pinaghapani ... Appellant in W.A.No.1676
of 2021/Petitioner in W.P

Vali Rajaram Umapathy ... Appellant in W.A.No.1677
of 2021/Petitioner in W.P

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

... Respondents in all W.As

Writ Appeals filed under Clause 15 of the Letters Patent
against the order dated 27.01.2020 passed in W.P.Nos.367 of
2020, 34157 and 34030 of 2019.

Prayer in 367 of 2020:

It is prayed that this Hon'be Court may be pleased to issue
Writ, Order or Direction more paticularly a Writ in the nature
of Writ of Certiorarified Mandamus Calling for the records of
the 2nd respondent relating to the impugned order dated
17/12/2018 upload in the website of the 1st respondent in so far
as the petitioner herein concerned quash the same as illegal
arbitrary and devoid of merit and consequently 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.

Prayer in W.P.No.34030 of 2019:

It is prayed that this Hon'ble Court may be pleased 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 08/09/2017 in so far as the Petitioner herein concerned quash the same as illegal arbitrary and devoid of merit and consequently 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.

Prayer in W.P.No.34157 of 2019:

It is prayed that this Hon'ble Court may be pleased 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 17.12.2018 in so far as the Petitioner herein concerned quash the same as illegal arbitrary and devoid of merit and consequently 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.C.M.Mohanasundaram
in all W.As.

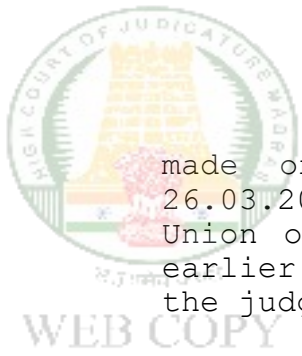
For Respondents : Mr.C.Kulanthaivel for R1
in all W.As

COMMON JUDGMENT

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

These writ appeals are directed against the order dated 27.01.2020 passed in W.P.Nos.3677 of 2020, 34157 and 34030 of 2019, whereby the learned single Judge dismissed the writ petitions.

2.The issue involved is no longer res integra. Learned counsel appearing for the appellants 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 persons like the appellants. 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, these writ appeals are allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

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

2. The Registrar of Companies,
Tamil Nadu, Chennai,
Block No.6,
B Wing, 2nd Floor, Shasthri Bhavan,
26, Haddows Road, Chennai - 6.

+3ccs to Mr.C.Kulanthaivel, Advocate Sr. 33862, 33863 and 33864

W.A.Nos.1675, 1676 and 1677 of 2021

sj[co]
srg 23/08/2021