



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NOS. 11502, 11505, 12550, 16548, 16583, 16773, 16777,
16800, 16848, 17334, 17338, 17343, 17349, 17356, 17518,
17724, 17860, 18195, 18421, 19033, 19118, 19366, 19779,
20166, 20240, 20488, 20492, 22531, 22760 AND 22762 OF 2021

AND

W.M.P. NOS. 12242, 12243, 12247, 12250, 17520, 17521, 17562,
17564, 17741, 17745, 17775, 17776, 17837, 18356, 18364, 18365,
18368, 18370, 18383, 18386, 18392, 18619, 18621, 18892, 18894,
19066, 19424, 19635, 19636, 20296, 20298, 20405, 20656, 20657,
21051, 21052, 21434, 21500, 21745, 21749, 23759, 23985, 23987,
23988 AND 23989 OF 2021

WP No. 11502 of 2021

and

WMP Nos. 12242 & 12243 of 2021

Syed Jaffar Syed John Muhammad

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
Block No. 6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

.. Respondents

WP No. 11505 of 2021

and

WMP Nos. 12247 & 12250 of 2021

Mouttou Sambandam

.. Petitioner



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Versus

1. Registrar of Companies, Puducherry
No.7, Second Floor, Karuvadikuppam Main Road
Senthamarai Nagar, Muthaialpet,
Puducherry 605 003

2. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

..Respondents

WP No. 12550 of 2021

Melappati Chakravarthy

.. Petitioner

Versus

The Registrar of Companies
Ministry of the Registrar of Companies,
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

..Respondents

WP No. 16548 of 2021
and
WMP Nos. 17520 & 17521 of 2021

Salem Chinraj Parvathi Dhanapal
(DIN: 03498613)

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001



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2. The Registrar of Companies
Block No. 6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

..Respondents

WP No. 16583 of 2021
and
WMP Nos. 17562 & 17564 of 2021

Kattukollai Shaashi Ravikumaar

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
Block No. 6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

..Respondents

WP Nos. 16773 & 16777 of 2021
and
WMP Nos. 17741 & 17745 of 2021

Deva Kirubaakaran

.. Petitioner in W.P. No. 16773 of 2021

Krishnapalli

.. Petitioner in W.P. No. 16777 of 2021

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001



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2. The Registrar of Companies
Block No. 6, B Wing 2nd Floor
Shastri Bhawan No.26,
Haddows Road
Chennai - 600 034

.. Respondents in both WPs.

WP No. 16800 of 2021
and
WMP Nos. 17775 & 17776 of 2021

Mohanasundaram

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001
2. Registrar of Companies
Tamilnadu, Coimbatore
No. 7, AGT Business Park, I Floor, Phase II
Avinashi Road, Civil Aerodrome Post
Coimbatore - 641 014, Tamil Nadu

.. Respondents

WP No. 16848 of 2021
and
WMP No. 17836 of 2021 & 17837 of 2021

E. Ravikumar

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001
2. The Registrar of Companies,
Block No. 6, B Wing 2nd Floor,
Shastri Bhawan 26,
Haddows Road, Chennai - 600 034

.. Respondents



WP Nos. 17334, 17338 & 17343 of 2021

and

WMP Nos. 18356, 18358, 18364, 18365, 18368 & 18370 of 2021

Kathirvel

.. Petitioner in W.P. No. 17334 of 2021

Sengonda Gounder Nantheeswaran

.. Petitioner in W.P. No. 17338 of 2021

Muthuvel

.. Petitioner in W.P. No. 17343 of 2021

Versus

1. Union of India

Represented by its Secretary

Ministry of Corporate Affairs

Shastri Bhawan

Dr. Rajendra Prasad Road

New Delhi - 110 001

2. The Registrar of Companies

Tamilnadu, Coimbatore

No.7, AGT Business Park, I Floor, Phase II

Avinashi Road, Civil Aerdrome Post

Coimbatore - 641 014

.. Respondents in all the WPs.

WP Nos. 17349 & 17356 of 2021

and

WMP Nos. 18383, 18386 & 18392 of 2021

Jambulingam Ganesh

.. Petitioner in W.P.No. 17349 of 2021

Bushan Jambulingam

.. Petitioner in W.P.No. 17356 of 2021

Versus

1. The Registrar of Companies,

The office of the Registrar of Companies,

5th Floor, Shastri Bhawan,

No.26, Haddows Road, Chennai - 600 006.

2. Union of India

Represented by its Secretary

Ministry of Corporate Affairs

Shastri Bhawan

Dr. Rajendra Prasad Road

New Delhi - 110 001.

.. Respondents in both WPs.



WP No. 17518 of 2021
and
WMP Nos. 18619 & 18621 of 2021

Asha

.. Petitioner

Versus

1. Registrar of Companies
No. 26, Haddows Road
Shastri Bhawan
Chennai - 600 034
2. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan, Dr. Rajendra Prasad Road
New Delhi - 110 001

.. Respondents

WP No. 17724 of 2021
and
WMP Nos. 18892 & 18894 of 2021

Shruthi Karthik

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

.. Respondents

WP No. 17860 of 2021
and
WMP No. 19064 of 2021 & 19066 of 2021



Segu Mohamed Ahmed Najema

.. Petitioner

Versus

1. Union of India
Represented by its
Ministry of Corporate Affairs
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
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

..Respondents

WP No. 18195 of 2021
and
WMP No. 19422 of 2021 & 19424 of 2021

Jayakumar Naveen Kumar

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan 26
Haddows Road
Chennai - 600 034

..Respondents

WP No. 18421 of 2021
and
WMP Nos. 19635 & 19636 of 2021



Vijayananth Vinayagamoorthy

.. Petitioner

Versus

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1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan,
No.26, Haddows Road,
Chennai - 600 006

..Respondents

WP No. 19033 of 2021
and
WMP Nos. 20296 & 20298 of 2021

Nagaraj Sharma Rajagopalan

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan No. 26
Haddows Road
Chennai - 600 006

..Respondents

WP No. 19118 of 2021
and
WMP No. 20405 of 2021



K. Selvam Manikandan

.. Petitioner

Versus

WEB COPY

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
Shastri Bhawan
Haddows Road
Chennai - 600 006

..Respondents

WP No. 19366 of 2021
and
WMP Nos. 20656 & 20657 of 2021

Rajarajan Ramadoss

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan No. 26
Haddows Road
Chennai - 600 006

..Respondents

WP No. 19779 of 2021
and
WMP Nos. 21051 & 21052 of 2021



Madhavi

.. Petitioner

Versus

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1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
No. 7, 2nd Floor
Karuvadikuppam Main Road
Senthamarai Nagar
Puducherry - 605 003

..Respondents

WP No. 20166 of 2021
and
WMP No. 21434 of 2021

Kumar Selvam

.. Petitioner

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
Shastri Bhawan
Haddows Road
Chennai - 600 006

..Respondents

WP No. 20240 of 2021
and
WMP No. 21500 of 2021

Kumar Thevar Selvam Vijayakumar

.. Petitioner



Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001

2. The Registrar of Companies
Shastri Bhawan
Haddows Road
Chennai - 600 006

..Respondents

WP Nos. 20488 & 20492 of 2021
and
WMP Nos. 21745 & 21749 of 2021

Natarajan Maheswari

.. Petitioner in W.P.No. 20488 of 2021

Periyasamy Mohana

.. Petitioner in W.P.No. 20492 of 2021

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan No. 26
Haddows Road
Chennai - 600 006

..Respondents in both Wps.

WP No. 22531 of 2021
and
WMP No. 23759 of 2021



1.R.V.Dinesh Kumar
2.D.Amutha Devi

.. Petitioners

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Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan No. 26
Haddows Road
Chennai - 600 006

.. Respondents

WP Nos. 22760 & 22763 of 2021
and
WMP Nos. 23985, 23987, 23988 & 23989 of 2021

Joseph Mariyathas Penahas Earnest

.. Petitioner in W.P.No. 22760 of 2021

Kanniyappan Vanmathi

.. Petitioner in W.P.No. 22762 of 2021

Versus

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
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
Shastri Bhawan No. 26
Haddows Road
Chennai - 600 006

..Respondents in both Wps.



WP No. 11502 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 13.12.2019 uploaded in the website of the 1st respondent insofar as the petitioner herein is concerned and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit the petitioner (having DIN No.0647629) to get appointed as director in the company or appointed in any other company without any hindrance.

WP No. 11505 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order dated 14.12.2018 uploaded in the website of the 2nd respondent insofar as the petitioner herein is concerned with DIN Director Identification Number 06768015, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the 1st respondent to activate the Director Identification Number and Digital Signature of the petitioner or get appointed or reappointed as director of any company without any hindrance.

WP No. 12550 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to re-activate the Director Index Number DIN - 144869 of the petitioner.

WP No. 16548 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 17.12.2018 uploaded in the website of the 1st 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 the petitioner to get appoint as director in any other Company.

WP No. 16583 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as director of the company without any hindrance.



WP No. 16773 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 01.11.2017 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as director of the company without any bar.

WP No. 16777 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 01.11.2017 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as director of the company without any bar.

WP No. 16800 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 07.12.2018 uploaded and hosted of th website of the 1st respondent insofar as the petitioner herein is concerned, quash the status "Disqualified under Section 164(2)" against the Direction Identification Number (DIN No. 06505267) 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.

WP No. 16848 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as director of the company without any hindrance.

WP No. 17334 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd



respondent relating to the impugned order dated 17.12.2018 uploaded in the website of the 1st respondent insofar as the petitioner herein vide DIN - 27698 is concerned, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit the petitioner to get appoint as director in any Company without any hindrance.

WP No. 17338 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 17.12.2018 uploaded in the website of the 1st respondent insofar as the petitioner herein vide DIN - 27386 is concerned, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit the petitioner to get appoint as director in any Company without any hindrance.

WP No. 17343 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 17.12.2018 uploaded in the website of the 1st respondent insofar as the petitioner herein vide DIN - 27663 is concerned, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit the petitioner to get appoint as director in any Company without any hindrance.

WP No. 17349 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in so far as the petitioner is concerned with (DIN) Director Identification Number 02809588 under Section 164(2)(a) of the companies Act, 2013 relating to the impugned order dated 17.12.2018 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.

WP No. 17356 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in so far as the petitioner is concerned with (DIN) Director Identification Number 02809629 under Section 164(2)(a) of the companies Act, 2013 relating to the impugned order dated 17.12.2018 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.

WP No. 17518 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order dated 18.12.2018 uploaded in the website of the 2nd respondent insofar as the petitioner herein is concerned with DIN Director Identification Number 06722111, quash the same as illegal, arbitrary and devoid of merit and consequently direct the 1st respondent to activate the Director Identification Number and Digital Signature of the petitioner or get appointed or reappointed as director of any company without any hindrance.

WP No. 17724 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of the company.

WP No. 17860 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 01.11.2017 published in the website (MCA21) of the 1st respondent as so far as the petitioner herein is 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, continue or appointed as director in any company without any hindrance.

WP No. 18195 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 uploaded in the website of the 1st respondent insofar as the petitioner herein is concerned, quash the same as illegal, arbitrary and unconstitutional and consequentially direct the respondents herein to permit the petitioner to get reappointed as director of the company.

WP No. 18421 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of



Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 08.07.2017 uploaded and hosted on the website of the 1st respondent and consequent impugned updated list of disqualification under section 164(2)A dated 01.11.2017 passed by the 2nd respondent, uploaded and hosted on the website of the 1st respondent insofar as the Petitioner herein is concerned, quash the status "Disqualified under section 164(2)" against his Director Identification Number (DIN No. 06450714) as illegal, arbitrary and devoid of merit and consequently direct the respondents herein to permit the petitioner to get reappointed as director in any company without hindrance.

WP No. 19033 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order of RoC Chennai dated 01.11.2017 published as "First List of Disqualified Directors - 164(2) (a) for the block years 2013-14, 2014-15, 2015-16 under ROC-Chennai as on 01.11.2017" uploaded in the website of the 1st respondent insofar as the Petitioner herein is 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 in any company without hindrance.

WP No. 19118 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent disqualifying the petitioner from being a Director of any Company at Entry No. 4003 corresponding to DIN 3601829 of the List of Disqualified Directors dated 18.12.2018 published in the website of the Respondent No. 2, quash the same as illegal, arbitrary and devoid of merits and consequentially direct the respondents herein to reactivate DIN No. 3601829 of the petitioner so that the petitioner could be continued/appointed/reappointed as director of any company.

WP No. 19366 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned orders dated 01.11.2017 and 17.12.2018 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.



WP No. 19779 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 01.11.2017 uploaded in the website of the 1st respondent in so far as the petitioner is concerned with DIN Director Identification Number: 06768011 under Sec. 164(2)(a) of the Companies Act, 2013 and quash the same as illegal, arbitrary and deviod of merit and may direct the respondents to activate the Director Identification Number and Digital Signature of the petitioner or get appointed or re-appointed as director of any company without hindrance.

WP No. 20166 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent No.2 disqualifying the petitioner from being a Director of any Company at Entry No. 4004 corresponding to DIN 3601831 of the List of Disqualified Directors dated 18.12.2018 published in the website of the Respondent No. 2, quash the same as illegal, arbitrary and deviod of merits and consequentially direct the respondents herein to reactivate DIN No. 3601831 of the petitioner so that the petitioner could be continued/appointed/reappointed as director of any company.

WP No. 20240 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent No.2 disqualifying the petitioner from being a Director of any Company at Entry No. 4005 corresponding to DIN 3604411 of the List of Disqualified Directors dated 18.12.2018 published in the website of the Respondent No. 2, quash the same as illegal, arbitrary and deviod of merits and consequentially direct the respondents herein to reactivate DIN No. 3604411 of the petitioner so that the petitioner could be continued/appointed/reappointed as director of any company.

WP No. 20488 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 which is uploated in the website of the 1st respondent insofar as the petitioner(DIN: 01581143) herein quash the same or other orders.

WP No. 20492 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 which is uploated in the website of the 1st respondent insofar as the petitioner(DIN: 02597873) herein quash the same or other orders.



WP No. 22531 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned orders dated 01.11.2017 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.

WP No. 22760 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned orders dated 13.12.2019 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.

WP No. 22762 of 2021:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned orders dated 13.12.2019 uploaded in the website of the 1st 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 the petitioner to get reappointed as director of any company or appointed as Director in any company without any hindrance.

WP No. 11502 of 2021

For Petitioner : M/s.G.Savitha

For Respondents : M/s.A.Anuradha
Additional Central Government
Standing Counsel

WP No. 11505 of 2021

For Petitioner : Mr.K.M.Anand

For Respondents : Mr.P.K.Ganesh



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WP No. 12550 of 2021

For Petitioner : Mr.Govind Chandrasekhar

For Respondents : Mr.K.Ramanamurthy
Central Government
Standing Counsel

WP No. 16548 of 2021

For Petitioner : Mr.A.M.Ilango

For Respondents : Mr.K.Ramanamurthy
Central Government
Standing Counsel

WP No. 16583 of 2021

For Petitioner : Mr.Lavanesh T.S

For Respondents : Mr.P.K.Ganesh
Central Government
Standing Counsel

WP Nos. 16773 & 16777 of 2021

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.N.Rajan

WP No. 16800 of 2021

For Petitioner : Mr.Sam Jayaraj Houston

For Respondents : No appearance

WP No. 16848 of 2021

For Petitioner : Mr.Lavanesh T.S

For Respondents : Mr.Sathish Rajan



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WP Nos. 17334, 17338 & 17343 of 2021

For Petitioner : Mr. N.V.Prakash in all Wps.

For Respondents : Mr.R.Subramanian in all WPs.
Additional Central Government
Standing Counsel

WP No. 17349 & 17356 of 2021

For Petitioner : Mr.K.M. Anand for both Wps.

For Respondents : Mr.S.Tirumalaisamy
for both Wps.

WP No. 17518 of 2021

For Petitioner : Mr.K.M.Anand

For Respondents : Mr.S.Thirumalaisamy
Additional Central Government
Standing Counsel

WP No. 17724 of 2021

For Petitioner : Mr.D.Peruman Saranyan

For Respondents : M/s.R.Durgarani
Central Government
Standing Counsel

WP No. 17860 of 2021

For Petitioner : Mr.Annal.P

For Respondents : M/s.Anuradha
Additional Central Government
Standing Counsel

WP No. 18195 of 2021

For Petitioner : Mr.D.Peruman Saranyan

For Respondents : Mr.K.Gangadaran
Central Government
Standing Counsel



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WP No. 18421 of 2021

For Petitioner : Mr.Pawan Jhabakh
For Respondents : Mr.K.B.Arul
Additional Central Government
Standing Counsel

WP No. 19033 of 2021

For Petitioner : Mr.P.Srinivasan
For Respondents : Mr.D.Simon
Central Government
Standing Counsel

WP No. 19118 of 2021

For Petitioner : Mr.T.D.Selvan Babu

WP No. 19366 of 2021

For Petitioner : Mr.B.Aparna

WP No. 19779 of 2021

For Petitioner : Mr.P.Stella Mary
For Respondents : Mr.G.Baskaran
Additional Central Government
Standing Counsel

WP No. 20166 of 2021

For Petitioner : Mr.T.D.Selvan Babu
For Respondents : Mr.S.Janarthanan
Central Government
Standing Counsel

WP No. 20240 of 2021

For Petitioner : Mr.T.D.Selvan Babu
For Respondents : Mr.S.Janarthanan
Central Government
Standing Counsel



WP Nos. 20488 & 20492 of 2021

For Petitioner(s) : Mr.T.V.Suresh Kumar
for M/s.Genicon and Associates
for both WP's

For Respondents : Mr. Sidharth
Additional Central Government
Standing Counsel for both WP's

WP No. 22531 of 2021

For Petitioner : M/s. T.M. Naidu and Co

WP Nos. 22760 & 22762 of 2021

For Petitioner : Mr.K.S.Selva Prakash
for both Wps

For Respondents : Mr.R.K.Gandhi for both WPs.
Central Government
Standing Counsel

COMMON ORDER

The prayer made in these writ petitions is to issue a Certiorarified Mandamus, calling for the records of the respective respondents in so far as it relates to the publication of the list of disqualified Directors in which the names of the respective petitioners are included and the consequential deactivation of their Director Identification Number (DIN).

2. According to the petitioners, the respondents herein released a list of disqualified directors under Section 164(2) (a) of the Companies Act, 2013, disqualifying them as directors of the various companies, in which, names of the petitioners were also included. In other words, the respondents, disqualified the petitioners as Directors for non-filing of financial statements or annual returns for continuous period of three financial years by the defaulting companies on whose board, the petitioner (s) is/are serving as a Director. According to the petitioners, by virtue of such disqualification, they could not be appointed or reappointed as director in any other company for a period of 5 years. Therefore, assailing the orders of disqualification mainly on



3. Today, when the writ petitions are taken up for consideration, the learned counsel appearing for the petitioners jointly submitted that the issue involved herein is no longer res integra. Earlier, this Court by order dated 03.08.2018 in WP. No. 25455 of 2017 etc. batch, in Bhagavan Das Dhananjaya Das case reported in (2018) 6 MLJ 704, allowed those writ petitions and set aside the orders dated 08.09.2017, 01.11.2017, 17.12.2018, etc. passed by the Registrar of Companies, disqualifying the petitioners therein to hold the office of directorship of the companies under Section 164(2)(a) of the Companies Act, which came into effect from 01.04.2014. Thereafter, yet another set of disqualified directors approached this court by filing WP.No.13616 of 2018 etc. batch (Khushru Dorab Madan v. Union of India) which were dismissed by order dated 27.01.2020. The said order of the learned single judge was challenged by some of the petitioners therein before the Division Bench of this Court in W.A. No. 569 of 2020, etc. batch (Meethelaveetil Kaitheri Muralidharan v. Union of India, 2020 SCC OnLine Mad 2958 : (2020) 6 CTC 113), which after elaborately dealt with the issue as to whether the Registrar of Companies is entitled to deactivate the Director Identification Number (DIN), allowed those writ appeals on 09.10.2020, the relevant passage of which, are profitably, extracted below:

<https://hcservices.ecourts.gov.in/hcservices/>



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director of company A, it is necessary that such person continues to retain the DIN. In this connection, it is also pertinent to point out that it is not possible to file either the financial statements or the annual returns without a DIN. Consequently, the director of Defaulting Company A, in the above example, would be required to retain the DIN so as to make good the deficiency by filing the respective documents. Thus, apart from the fact that the AQD Rules do not empower the ROC to deactivate the DIN, we find that such deactivation would also be contrary to Section 164(2) read with 167(1) of CA 2013 inasmuch as the person concerned would continue to be a director of the Defaulting Company.

42. In light of the above analysis, we concur with the views of the Delhi High Court in Mukut Pathak, the Allahabad High Court in Jai Shankar Agrahari and the Gujarat High Court in Gaurang Balvantlal Shah to the effect that the ROC is not empowered to deactivate the DIN under the relevant rules. In Yashodhara Shroff, the Karnataka High Court upheld the constitutionality of Section 164(2) and proceeded to hold that a prior or post decisional hearing is not necessary. For reasons detailed in preceding paragraphs, we disagree with the view of the Karnataka High Court that prior notice is not required under Section 164(2) of CA 2013.

43. In the result, these appeals are allowed by setting aside the impugned order dated 27.01.2020. Consequently, the publication of the list of disqualified directors by the ROC and the deactivation of the DIN of the Appellants is hereby quashed. As a corollary to our conclusion on the deactivation of DIN, the DIN of the respective directors shall be reactivated within 30 days of the date of receipt of a copy of this order. Nonetheless, we make it clear that it is open to the ROC concerned to initiate action with regard to disqualification subject to an enquiry to decide the question of attribution of default to specific directors by taking into account the observations and conclusions herein. No costs. Consequently, connected miscellaneous petitions are closed."

4. The aforesaid submissions of the learned counsel for the petitioners have been conceded on the side of the respondents. It is also submitted by Mr. K. Ramanamurthy, learned Central



Government Standing Counsel appearing for some of the respondents in these writ petitions, on instructions, submitted that as directed by the Division Bench of this Court, the Registrar of Companies is in the process of conducting an enquiry to decide the extent of default committed by the individual Directors and subject to the outcome of such enquiry, appropriate orders will be passed. The said submission is recorded.

5. Having regard to the above, all the writ petitions stand allowed, in the terms as indicated in the judgment in Meethelaveetil Kaitheri Muralidharan's case. No costs. Consequently, connected miscellaneous petitions are closed. It is needless to mention that the Registrar of Companies shall conduct an enquiry taking note of the observations made by the Division Bench of this Court, mentioned supra.

Sd/-
Assistant Registrar(CS-V)

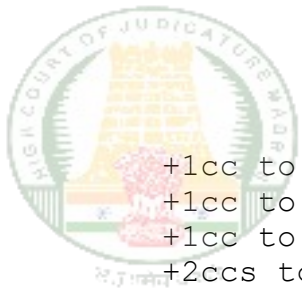
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Sub Assistant Registrar

dhk/rsh

To

1. The Secretary,
Union of India
Ministry of Corporate Affairs
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi - 110 001
2. The Registrar of Companies
Block No. 6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road, Chennai - 600 034.
3. Registrar of Companies
Tamilnadu, Coimbatore
No. 7, AGT Business Park, I Floor, Phase II
Avinashi Road, Civil Aerodrome Post
Coimbatore - 641 014, Tamil Nadu
4. Registrar of Companies, Puducherry
No.7, Second Floor, Karuvadikuppam Main Road
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Puducherry 605 003.



+1cc to M/s.P.Annal, Advocate, S.R.No.56346
+1cc to M/s.Pawan Jhabakh, Advocate, S.R.No.55967
+1cc to M/s.K.Ramanamoorthy, Advocate, S.R.No.55782
+2ccs to M/s.T.L.Thirumalai Samy, Advocate, S.R.No.55770 & 55772
+2ccs to M/s.T.S.Lavanesh, Advocate, S.R.No.56260 & 56261
+2ccs to M/s.Genicon and Associates, Advocate, S.R.No.55813 & 55814
+1cc to M/s.B.Abarna, Advocate, S.R.No.56128
+1cc to M/s.Sam Jayaraj Houston, Advocate, S.R.No.55604
+1cc to M/s.G.Baskaran, Advocate, S.R.No.55556
+2ccs to M/s.K.M.Anand, Advocate, S.R.No.55551 & 55549
+1cc to M/s.A.Kamaraj, Advocate, S.R.No.55550
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+1cc to M/s.P.Srinivasan, Advocate, S.R.No.55541
+1cc to M/s.Govind Chandrasekar, Advocate, S.R.No.55588

WP Nos. 11502 of 2021

RP (CO)
RLP (01/12/2021)