

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.Nos.997 and 998 of 2020

Mohamed Shamsudeen Appellant in
W.A.997/2020

Shameer Deen Appellant in
W.A.998/2020

Vs.

1.Union of India,
rep. 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.

... Respondents
in both appeals

Prayer: Appeals filed under Clause 15 of the Letters Patent against the order dated 27.01.2020 made in W.P.Nos.33829 of 2019 order dated 12.2.2020 and 3391 of 2020.

Prayer in W.P.Nos.33829 of 2019 and 3391 of 2020:

Writ 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 7.12.2018 uploaded in the website of the 1st respondent in so far as the petitioner herein is concerned

with Director Identification Number 2005796 in WP.33829/19 and with Director Identification Number 3166447 in WP.3391/20 and consequentially direct the respondent herein to activate the Director Identification Number 3166447 of the Petitioner in WP.3391/20 and quash the same as illegal arbitrary and devoid of merit and consequentially direct the respondents herein to permit the petitioner to continue as a Director or get appointed or reappointed as Director of any Company without any hindrance.(in both).

For Appellants : Mr.R.Rajesh

For Respondents : Mr.K.B.Arul
for respondent Nos.1 and 2

COMMON JUDGMENT
(Delivered by Senthilkumar Ramamoorthy, J.)

The writ appeals challenge a common order passed in a batch of writ petitions on January 27, 2020 and 12.2.2020.

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 appeals are squarely covered by the said judgment.

3. Accordingly, the writ appeals, W.A.Nos.997 and 998 of 2020, are allowed in terms of the aforesaid judgment. No costs. Consequently, C.M.P.No.12227 and 12228 of 2020 are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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

W.A.Nos.997 and 998 of 2020

A.SK(11.03.2021).



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