



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.4281 of 2021

and

W.M.P(MD)Nos.3468 and 3471 of 2021

Oasis Inn International Private Limited,
Represented by its Authorised Signatory,
A.Mani, S/o.Appu,
Kollamcode Post,
Kanagam Junction,
Kanyakumari District - 629 160.

...Petitioner

Vs

The Registrar of Companies,
Tamil Nadu, Andaman & Nicobar Islands,
2nd Floor, 'B' Wing, Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

.. Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the impugned Notice published by the respondent in their website in No.ROC/CHN/STK-7/2018, dated 09.08.2018 and quash the same as illegal and consequently insofar as the petitioner's company in Serial No.2966 of the list enclosed in the impugned notice is concerned within the time stipulated by this Court.

For Petitioner

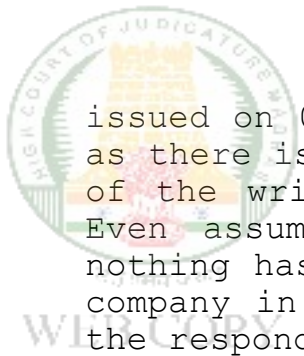
: Mr.G.Anto Prince

ORDER

The writ petition is against the notice issued by the competent authority, namely the Registrar of Companies, under the provisions of the Companies Act in striking of the company from the Register of Companies, on the basis of the company not conforming to the various provisions of the Act.

2.The dissolution of the Company by notice dated 09.08.2018 is the subject matter of challenge in this writ petition.

3.This Court first of all is unable to understand how a notice



issued on 09.08.2018 can be a subject of challenge in the year 2021 as there is no explanation at all in the affidavit filed in support of the writ petition, as to the delay in approaching this Court. Even assuming that the writ petition is maintainable otherwise, nothing has been whispered in the affidavit as to the status of the company in the last two years after the dissolution of the same by the respondent Registrar.

4. Even otherwise, in matters like this, which falls entirely within the ambit of the provisions of the Companies Act, appropriate course for the writ petitioner lies elsewhere and not before this Court, in its exercise of jurisdiction under Article 226 of the Constitution of India.

5. This Court need not remind the petitioner the efficacious remedies that are available within the framework of the Companies Act. This Court is unable to comprehend as to how the petitioner could invoke the powers of this Court under the writ jurisdiction, when the petitioner has no cause of action in a public law remedy.

6. For the above stated reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

DSK

To

The Registrar of Companies,
Tamil Nadu, Andaman & Nicobar Islands,
2nd Floor, 'B' Wing,
Shastri Bhavan, No.26, Haddows Road,
Chennai - 600 006.

+1 CC to Mr.G.ANTO PRINCE, Advocate (SR-8858[F] dated 04/03/2021)

Order made in
W.P(MD)No.4281 of 2021 and
W.M.P(MD)Nos.3468 and 3471 of 2021
03.03.2021

KG(CO)

SRS (16/03/2021) 2P : 3C

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