



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.1856 & 1860 of 2022 &

WMP.Nos.2001, 2002, 2004 & 2007 of 2022

1.Mr.Ravi ...Petitioner in W.P.No.1856 of 2022
2.Mrs.Asha Ravi ...Petitioner in W.P.No.1860 of 2022
Vs.

1.Union of India
Represented by its
Ministry of Corporate Affairs
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi

2.The Registrar of Companies,
Tamil Nadu Chennai,
Block No.6, B-Wing 2nd Floor,
Shastri Bhawan,
26, Haddows Road,
Chennai-600006

...Respondents in both Wps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to the impugned order dated 18.12.2018 which is uploaded in the website of the 1st respondent insofar as the petitioner herein and quash the same, consequently direct the respondents herein to permit petitioner to get reappointed as director of any company or appoint as director in any company without any bar.

(In both WPs)

For Petitioners : Mr.K.Thyagarajan
For Respondents : Mr.Madana Gopal Rao
Senior Central Government Standing Counsel

C O M M O N O R D E R

Mr.Madana Gopal Rao, learned Senior Central Government Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent expressed by both counsel, these Writ Petitions are disposed finally even at the stage of admission.



2. Both learned counsel would concur on the position that the issue that arises in these Writ Petitions, being the disqualification of the petitioners as a Director in Tvl. Automobile Rubber Products Private Limited is liable to be set aside in light of decision of the First Bench of this Court in Meethelaveetil Kaitheri Muralidharan Vs Union of India in W.A.No.569 of 2020 reported in [2020 (7) Mad LJ 641] wherein while considering identical cases of disqualification of Directors without notice, this Court has been pleased to set aside the publication of such list by the Registrar of Companies and the consequent deactivation of Director Identification Number (DIN).

3. I have had occasion to consider the similar issue on 18.02.2022 in W.P.No.2889 of 2022 and applying the aforesaid decision, have passed the following order:

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2. The petitioner is a Director in a company under the name and style of Super Tech Solar System Private Limited. He challenges the records of the second respondent, i.e., the Registrar of Companies, Tamil Nadu, Chennai dated 01.11.2017 read with updated list dated 17.12.2018 uploaded on the website of the 1st respondent, i.e., Union of India, rep. by its Ministry of Corporate Affairs and quash of the same.

3. The necessity for the challenge at this point of time despite the list having been reflected in the website of Rlas early as in 2017 is for the reason that the petitioner seeks re-employment as a Director in another company and the aforesaid disqualification poses a hindrance to the same.

4. Learned Counsel for the respondents would admit that such disqualification was without any notice having been issued to the petitioner. In this connection, both the learned counsel drawn my attention to the decision of Division Bench of this Court in the case of Meethelaveetil Kaitheri Muralidharan Vs Union of India in W.A.No.569 of 2020 reported in [2020 (7) Mad LJ 641] wherein while considering identical cases of disqualification of directors without notice, this Court has been pleased to set aside the publication of such list by the Registrar of Companies and the consequent deactivation of Director Identification Number (DIN).



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To

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Ministry of Corporate Affairs
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Chennai-600006

+2 ccs to Mr.K.Thyagarajan, Advocate Sr.NO. 16920,16921
W.P. Nos.1856 & 1860 of 2022 &
WMP.Nos.2001, 2002, 2004 & 2007 of 2022

RK(CO)
A.SK(30/03/2022)