



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7362 of 2022 &
WMP.Nos.7380 & 7382 of 2022

Rajaravanappan Palanikumar

... Petitioner

Vs

1.Union of India,
Represented by its Secretary,
Ministry of Corporate Affairs,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi-110001.

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

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the 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 on the website of the 1st Respondent in so far as the Petitioner herein is concerned (DIN No.06782632 at Sl.No.6,965), 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 or appointed as Director in any Company without any hindrance.

For Petitioner : Mr.Chandramouli Prabhakar

For Respondents : Ms.A.Anuradha,
Central Government Standing Counsel

O R D E R

Ms.A.Anuradha, learned 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, this Writ Petition is disposed finally even at the stage of admission.



2. Both learned counsel would concur on the position that the issue that arises in this Writ Petition, being the disqualification of the petitioner as a Director in M/s.PJ Power 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 an 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:

Mr.K.B.Arul, learned Additional Central Government Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both counsel, this Writ Petition is disposed finally even at the stage of admission.

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



vs/ska

To

1.The Secretary,
Union of India,
Ministry of Corporate Affairs,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi-110001.

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

+2cc to Mr.Chandramouli Prabhakar, Advocate, S.R.No.21202
+1cc to the Government Pleader, S.R.No.22468

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AK(CO)
SB(06/04/2022)