



WEB COPY



W.P.No.7780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7780 of 2023

P.Mani

...Petitioner

VS.

1. The Controller General of Patents,
Designs and Trade Marks Department for
Promotion of Industry and Internal Trade Ministry
of Commerce and Industry,
Boudhik Sampada Bhawan,
Plot No.32, Sector 14,
Dwarka, New Delhi – 110 078.

2. The Registrar,
Trade Marks Registry,
Boudhik Sampada Bhavan,
S.M.Road, Antop Hill,
Mumbai – 400 037.

3. Scientists F & Head,
Bureau of Indian Standard,
No.44 Dr.Balasundharam Road,
Kovai Towers, 5th Floor,
Coimbatore – 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to cancel the fraudulent Form TM-P, dated 13.02.2020 submitted by the third respondent to modify the name of the partners of “Cheran Industries” in Registration No.1159657, dated 28.10.2006 on the file of the second respondent as



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claimed by the petitioner in his representation dated 07.03.2022 in a time bound period.

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For Petitioner : Mr.K.Mohanamurali
For Respondents : Mr.V.Chandrasekar
Senior Panel Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to cancel the fraudulent Form TM-P, dated 13.02.2020 submitted by the third respondent to modify the name of the partners of “Cheran Industries” in Registration No.1159657, dated 28.10.2006 on the file of the second respondent as claimed by the petitioner in his representation dated 07.03.2022 in a time bound period.

2. It is the case of the petitioner that one P.G.Mahalingam had entered into a partnership by way of partnership deed dated 14.09.1992 to run a pumpset manufacturing business. On account of dispute between both the partners, the petitioner has approached Indian Overseas Bank where they have joined current accounts, to stop payments in the current account transaction at that time the bank officials informed him that he was no longer a partner in the company. Upon coming to know that the supplement



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partnership deed dated 01.02.2019 the petitioner claims that his signature was forged in six pages of the documents. Hence he has sent a complaint to the second respondent to pass suitable orders cancelling the fraudulent form TM-P submitted by the third respondent on 13.02.2020. Since no action has been taken on the same, the petitioner has filed a complaint before the Assistant Commissioner of Police, City Crime Branch, Coimbatore on 11.03.2022, who asked the petitioner to appear for enquiry on 21.03.2022 which the petitioner has complied. Since no action has been taken by the second respondent upon the representation dated 07.03.2023, he has sent another representation dated 09.08.2022 seeking the same relief as in the earlier representation. Since no reply is forthcoming from the respondents, the petitioner has filed the present writ petition.

3. Though very many grounds have been raised in the present writ petition, it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 07.03.2022 and pass appropriate orders within the time frame that may be fixed by this Court.



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4. Learned Senior panel counsel appearing for the respondents submits that the petitioner's representation will be considered after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any in the manner known to law.

5. In view of the submission made by learned Senior panel counsel, this Court without going into the merits of the case directs the respondents to consider the petitioner's representation dated 07.03.2022, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any including PG Mahalingam and his son within a period of six (6) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly disposed of. No costs.

15.03.2023

RAP
Index : Yes/No
Speaking order : Yes/No
Neutral citation case : Yes/ No



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M.DHANDAPANI, J.

RAP

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