



W.P.No.18702 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.18702 of 2021
and W.M.P.No.19971 of 2021

1.R.Venkataramanan
2.P.Augustine
3.P.Sadanand
4.T.Sharath Babu

. ... Petitioners

Vs.

1.The Secretary,
Ministry of Corporate Affairs,
5th Floor, A-Wing, Shastri Bhawan,
New Delhi-110001.

2.The Registrar of Companies Tamilnadu,
Block No.6, B Wing, 2nd Floor Shastri Bhawan,
26, Haddows Road, Chennai-600034.

3.The Registrar of Companies
AGT Business Park, Avinashi Road,
Civil Aerodrome Post,
Coimbatore.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to act on the representation dated 02.01.2020 of the petitioners and based thereon reactive the Director



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Identification Numbers of the petitioners.

For Petitioners : M/s.T.Sugithra

For Respondents : Mr.V.Udayakumar
Central Government Counsel

ORDER

The petitioners herein are the directors of several companies. Each of them was allotted a Director Identification Number (DIN) by the Registrar of the companies under Section 154 of the Companies Act, 2013 (in short “the Act”). They were disqualified by separate proceedings of 2nd and 3rd respondents under Section 164 of the Act for certain non-compliance with the provisions of the Act *vis-a-vis* the companies, of which they were directors. In addition to the disqualification, as prescribed under Section 164 of the Act, respondents 2 and 3 have also deactivated the DIN allotted to the petitioners. This has happened sometime in 2019.

2.Learned counsel for the petitioners submitted that the First Bench of this Court vide its order dated 09.10.2020, in ***Meethelaveetil Kaitheri Muralidharan vs. Union of India***, reported in ***(2020) 6 CTC 113***, a batch of writ petitions has held that the Registrar of companies does not have any authority within the scheme of



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the Act to deactivate the DIN allotted to the Director of a company.

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3.Heard M/s.T.Sugithra, the learned counsel for the petitioners, and Mr.V.Udayakumar, the learned Central Government Counsel appearing for the respondents.

4.This Court carefully perused the order of the First Bench and is satisfied that the ratio declared therein squarely applies to the facts before this Court.

5.In fitness of things, this Court would appreciate if respondents 2 and 3 acted by the order of the First Bench of this Court and activated the DIN of the petitioners on its own. But, very unfortunately, it appears that they require an order of this Court to do what they are obligated to do under law.

6.In view of the order of the First Bench in Meethelaveetil Kaitheri Muralidharan's case, the respondents are now directed to activate the DIN of each of the petitioners in this case.



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7.This Writ Petition stands allowed accordingly. No Costs. Consequently, the connected miscellaneous petition is closed.

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Anu

Index : Yes / No

Neutral citation : yes/no

To

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