



W.P.No.31582 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 31582 of 2022

Mrs. Athipathy Anitha

... petitioner

vs

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

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records namely the list of disqualification of directions under Section 164(2)(a) of Companies Act 2013 for ROC Chennai Drive III published in the website of 2nd respondent on 13.12.2019 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the second respondent to reactivate the petitioner's Director identification Number (02675660) and permit his appointment/reappointment as director.



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For the Petitioner : Mr. R.M. Ajay Parthiban
For the Respondents : Mr. M. Stahyan
Additional Central Government Standing
Counsel
for R1 and R2

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking interference with an order of the second respondent/Registrar of Companies at Chennai dated 13.12.2019 which had been issued under Section 164(2)(a) of Companies Act, 2013.

2. The petitioner, in his affidavit stated that M/s. Varnik Systems Services Private Limited was incorporated under the Companies Act, 1956 and started doing the business as stated in the Memorandum of Association and Articles of Association.

3. The main object was to provide remote support for computer hardware and software for companies and other activities in the field of computers.



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4. It has been stated that however the company was struck off from the register maintained by the Registrar of Companies by an order dated 29.10.2019. Consequently, the Directors of the companies were also disqualified from the period 01.11.2018 to 31.10.2023. Seeking interference with those orders, the present writ petition has been filed.

5. The issue is no longer resintegra as judgments have been passed by learned Single Judges of this Court interfering with such orders. I can cite one, namely the order dated 18.01.2021 in ***W.P.Nos. 584, 588 and 592 of 2021, Pandy Athipathy and two others vs Union of India represented by its Secretary, Ministry of Corporate Affairs, New Delhi and another.***

6. The learned Single Judge in that particular common order relating to three writ petitions had placed reliance on a Division Bench order of this Court in ***W.A.No. 569 of 2020 batch, Meetgelaveetil Kaitheri Muralidharan vs Union of India and another,*** wherein it had been held as follows:

" Consequently, the publication of the list of disqualified directors by the ROC and the deactivation of the DIN of the appellants is



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hereby quashed. As a corollary to our conclusion on the deactivation of DIN, the DIN of the respective directors shall be reactivated within 30 days of the date of receipt of a copy of this order. Nonetheless, we make it clear that it is open to the ROC concerned to initiate action with regard to disqualification subject to an enquiry to decide the question of attribution of default to specific directors by taking into account the observations and conclusions herein. No costs. "

7. The same order accrues to the petitioner herein.

8. Another ground taken by the petitioner was that notice was not issued prior to the impugned orders being passed.

9. In view of the above pronouncement of the Division Bench, the impugned order is set aside and the writ petition stands allowed.

No costs.

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Index: Yes/no
mrn

To

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C.V.KARTHIKEYAN, J.
(mrn)

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