



WEB COPY



W.P.No.1408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.1408 of 2023

and

Writ Miscellaneous Petition No.1486 of 2023

Udayakumar

... Petitioner

Versus

1. Union of India,
Represented by its Secretary,
Ministry of Corporate Affairs,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi – 110 001.

2. Registrar of Companies,
Tamil Nadu, Chennai
Block No.6, B Wing 2nd Floor,
Shastri Bhavan,
26, Haddows Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order dated 08.09.2017 read with the updated list dated 01.11.2017 uploaded and hosted on the website of the 1st respondent and the impugned order dated 17.12.2018 uploaded and hosted on the website of the 1st respondent on 18.12.2018, in so far as the petitioner herein is concerned and quash the



W.P.No.1408 of 2023

status “Disqualified under Section 164(2)” against his Director identification Number (DIN No:02174703) same as illegal, arbitrary and devoid of merit and consequently, direct the respondents herein to permit the petitioner to get reappointed as Director of any Company or appointed as Director in any Company without any hindrance.

For Petitioner : Mr.Cibi Vishnu

For Respondents : Mr.G.Baskaran
Central Government Standing Counsel

ORDER

The petitioner seeks protection and consistency with an order of the Division Bench of this Court in ***W.A.Nos.569, 718, 720, 721, 841 & 842/2020 [Meethalaveetil Kaiheri Muralidharan vs. Union of India]*** by an order dated 09.10.2020 wherein, the Division Bench had observed as follows:

“The publication of the list of disqualified directors by the ROC and the deactivation of the DIN of the appellants is 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.”

2. The learned counsel states that a learned Single Judge of this Court had also followed the order of the Division Bench.

3. The learned counsel who had also entered appearance on behalf of the respondents also accepts that the Division Bench Order is now still in force.

4. In view of the stands taken, a similar order is passed.

5. The Writ Petition has been filed seeking the relief of Certiorarified Mandamus with respect to an order dated 08.09.2017.

6. The learned counsel for the respondents also argued in favour of the petitioner and stated that the order of the Division Bench can be followed.



W.P.No.1408 of 2023

WEB COPY 7. In view of the fact that there appears to be an agreement between both the learned counsels which cannot be termed to be ethical on the nature of the relief sought and the nature of the relief to be granted, and on the basis of the Division Bench order, let me withhold myself from examining the Writ Petition on merits, as it would only be an exercise in futility.

8. The Writ Petition stands allowed. No order as to costs.
Consequently, the connected miscellaneous petition stands closed.

23.01.2023
(3/5)

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

1. The Thasildar,
Poonamallee Thasildar Office,
Poonamallee, Chennai – 600 056.
2. The Public Information Officer,
The Headquarters Deputy Thasildar,
Poonamallee Thasildar Office,



W.P.No.1408 of 2023

Poonamallee, Chennai – 600 056

WEB COPY

C. V. KARTHIKEYAN, J.
ssi

W.P.No.1408 of 2023
and
W.M.P.No.1486 of 2023

23.01.2023
(3/5)