



W.P(MD)No.20651 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20651 of 2022

and

W.M.P.(MD)Nos.14978 & 14979 of 2022

Mohan

... Petitioner

Vs.

1.The District Registrar (Admin),
Office of the District Registrar,
District Court Complex,
Trichy.

2.The Assistant Director,
Directorate of Industrial Safety & Health,
Trichy.

3.Vasumathi

4.Vijayalakshmi

5.Gowtham

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the entire records relating to the proceeding of the 1st respondent in Na.Ka.No.15502/A2/2021 dated 18.08.2022 and quash the same and consequently direct the 1st respondent to conduct enquiry and take a decision on merits uninfluenced by the prevailing litigations among the sharers / partners within a time frame that may be stipulated by this Court and pass such further or other orders as this Court.



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For Petitioner : Mr.S.Vinod Sathiya Lazar

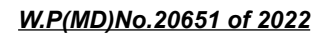
For Respondents : Mr.M.Prakash
Additional Government Pleader for R1 & R2

: Mr.T.Vadivelan for R3 to R5

ORDER

Heard both sides.

2. The case on hand relates to renewal of registration of the firm known as M/s.Venkatachalapathy & Co. It is a rice mill started as a partnership firm way back in the year 1942. It was registered in the year 1944 (Registration No. 24/1944). Registration was periodically renewed. It is stated that till the year 2005, there was no dispute among the partners. There were 20 partners. All of them are the lineal descendants of the original partners. When the petitioner applied for renewal of the factory license, the second respondent informed the petitioner that he has received objection from R3 to R5. It is seen that R3 and 19 others have filed O.S.No.229 of 2022 before the District Judge, Trichirappalli for dissolution of the firm and for retention of the accounts. Citing this, the first respondent had declined to renew the registration. The firm is a on going concern. If the renewal of the registration is refused, activities will be come to a grinding halt. No purpose will be served. Section 12(c) of the



THE CONDUCT OF THE BUSINESS. *Subject to contract between the partners -*

(c) any difference arising as to ordinary matters connected with the business may be decided by a majority of the partners, and every partner shall have the right to express his opinion before the matter is decided, but no change may be made in the nature of the business without the consent of all the partners;

<https://www.mhc.tn.gov.in/judis>



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registration of the firm will not come in the way of the jurisdictional Civil Court from taking an appropriate decision.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

15.12.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The District Registrar (Admin),
Office of the District Registrar,
District Court Complex,
Trichy.
- 2.The Assistant Director,
Directorate of Industrial Safety & Health,
Trichy.



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G.R.SWAMINATHAN, J.

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