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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.8304 of 2024

Mrs.Bollineni Manjula

.. Petitioner

-VS-

1.The Registrar of Firms,
Office of the District Registrar,
Central Chennai,
Bharathi Salai,
Royapettah,
Chennai-600 014.

2.T.Sai Prasad

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's representation dated 06.01.2024.

For Petitioner

:

Mr.A.Kumanaraja



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For Respondent-1 : Mr.T.Venkatesh Kumar,
Special Government Pleader.

ORDER

The Writ of Mandamus has been instituted to direct the first respondent to dispose of the representation submitted by the petitioner on 06.01.2024.

2. The representation submitted by the petitioner reveals that a request has been made to take strict action on the fraudulent registration made by one Mr.T.Sai Prasad Naidu, Partner, M/s.Galaxy Mica Enterprises, Chennai. Further, the petitioner seeks not to issue Form 'A' to the said Company. However, Mr.T.Sai Prasad Naidu, Partner, M/s.Galaxy Mica Enterprises, Chennai , is not a party to the present writ petition.

3. The Registrars of Firms have to perform their duties and responsibilities in the manner prescribed under the Statutes and the Rules in force. The High Court, in all circumstances, cannot issue directions indiscriminately to dispose of the appeals, representations etc., in a time



bound manner, which may not be practically possible for the Authorities, since an enquiry has to be conducted and in some cases, proper investigations may be required. The parties are to be issued with notices and the procedures, as contemplated, are to be followed. Therefore, issuing directions to dispose of the representations, would do no service to the cause of justice.

4. Contrarily, it will result in passing hasty orders on some occasions without following the procedures. The Authorities on receipt of such statutory appeals or representations under the provisions of the Act, are bound to consider the same in the manner contemplated and dispose of the applications in the order of seniority and in this regard, a Register has to be maintained by the Authorities, enabling the petitioners to understand the status of the appeal or representation, submitted by them.

5. The High Court issuing directions to dispose of the appeal or representation, in a routine manner, has been dealt with by the Supreme Court in the case of **High Court Bar Association, Allahabad vs. State of Uttar Pradesh and Others [CDJ 2024 SC 143]**, wherein in paragraphs 32



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and 33, the Apex Court made the following observations:-

"32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.

33. There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional Courts. Those litigants who can afford to approach the constitutional Courts cannot be allowed to take undue advantage by getting an order directing out-of-turn disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame. In



a sense, no Court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the concerned Courts unless there are very extraordinary circumstances."

6. In view of the above observations, the petitioner is at liberty to approach the first respondent for the disposal of representation submitted by her on 06.01.2024.

7. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs.

01-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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