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W.P(IPD).No.15 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P(IPD).No.15 of 2024

Naveel Danish

...Petitioner

Vs

1.The Registrar of Trade Marks,
Intellectual Property Buildings,
GST Road, Guindy, Chennai – 600 032.

2.Cothuru Venkatesh Balaji (C.V.Balaji),

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 20.11.2023 and 10.02.2024 requesting the 1st respondent to issue direction to his examiner to re-examine the Trade Mark Application No.55070330 in Class 14 in the name of M/s. Balaji C.V., sole proprietor, Trading as Jewel Bazar and issue a fresh examination report and initiate necessary criminal proceedings against the 2nd respondent within a period of time frame fixed by this Court.



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For Petitioner : Mr.T.M.Pappiah

For Respondents

For R1 : Ms.R.Durga Rani,
Central Government Standing Counsel

For R2 : Mr.V.Meenakshisundaram

ORDER

The Writ Petition has been filed for a direction to the 1st respondent to dispose of the petitioner's representations dated 20.11.2023 and 10.02.2024 regarding seeking the examiner to re-examine the Trademark Application No.5507030 in Class-14 and issue a fresh examination report and also initiate necessary criminal proceedings against the 2nd respondent.

2.Today, the 1st respondent has filed a counter affidavit. In the said counter affidavit, it is stated that the impugned trademark is already remanded for examination by the concerned hearing officer in accordance to Trademark Act, 1999 and Rules and that fresh examination of Application No.5507030 will be done as per law.



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3.Considering the limited prayer sought for in this writ petition and the stand of the 1st respondent, it would be suffice to record the statement of the 1st respondent and dispose of the writ petition accordingly.

4.The Writ Petition is disposed of. The 1st respondent is directed to pass fresh orders in Application No.5507030 in accordance with law, after providing opportunity to the writ petitioner as well as the 2nd respondent, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

24.06.2024

Index:Yes/No

Speaking order/Non-speaking order

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To

The Registrar of Trade Marks,
Intellectual Property Buildings,
GST Road, Guindy,
Chennai – 600 032.



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P.B.BALAJI,J.

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