



WEB COPY

W.P.No.12204 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12204 of 2020
and W.M.P.No.14948 of 2020

Federation of CSITA Beneficiaries
& Stakeholders Association

... Petitioner

Vs.

1. Union of India,
Ministry of Corporate Affairs,
A-Wing, Shastri Bhawan,
New Delhi – 110 001.
2. Registrar of Companies,
Ministry of Corporate Affairs,
Block No.3, B Wing, Haddows Road,
Chennai – 600 006.
3. The Regional Director,
Ministry of Corporate Affairs,
26, Shastri Bhawan, Haddows Road,
Chennai – 600 006.
4. The Church of South India Trust Association,
No.5, Whites Road, Royapettah,
Chennai – 600 014.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to take necessary action based on the representation of the petitioner dated 23.01.2020 and 04.02.2020 to remove the amended clause 4 of the AoA of the 4th respondent company.



WEB COPY

W.P.No.12204 of 2018





WEB COPY

W.P.No.12204 of 2020



For Petitioner : Mr.Jayesh B.Dolia, Senior Counsel
for M/s.Aiyar and Dolia

For R1 to R3 : Mr.K.Venkatasamy Babu, CGSC

For R4 : Mr.V.Prakash, Senior Counsel
for Mr.Adrian D. Rozaria

ORDER

The Writ of Memorandum has been instituted to direct the 2nd respondent to take necessary action based on the representations of the petitioner dated 23.01.2020 and 04.02.2020.

2. The allegations set out in the representations reveal that certain amendments have been made in the Constitution and such amendments were effected without following the procedures as contemplated under the Act. However, the learned Senior Counsel appearing for the 4th respondent would contend that the petitioner association cannot maintain the Writ Petition, since they have no right to participate in the amendment proceedings to be made under the provisions of law.

3. The petitioner is a stakeholder association and their grievances are to be redressed in the manner known to law. It is brought to the notice of this Court that a Civil Suit challenging the amendment has already been instituted on



the original side of the High Court of Madras in C.S.No.20 of 2016, which is pending. If at all the petitioner has got any right or grievance, they are at liberty to initiate appropriate action to redress the grievances. Even if any such application or otherwise has been filed, undoubtedly the same would be subject to the *locus* to be raised by the other parties.

4. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.01.2024

skr

Index : Yes

To

1. Ministry of Corporate Affairs,
Union of India, A-Wing, Shastri Bhawan,
New Delhi – 110 001.
2. Registrar of Companies,
Ministry of Corporate Affairs,
Block No.3, B Wing, Haddows Road,
Chennai – 600 006.
3. The Regional Director,
Ministry of Corporate Affairs,
26, Shastri Bhawan, Haddows Road,
Chennai – 600 006.
4. The Church of South India Trust Association,



No.5, Whites Road, Royapettah,
Chennai – 600 014.

WEB COPY

W.P.No.12204 of 2018





WEB COPY

W.P.No.12204 of 2020



S.M.SUBRAMANIAM, J.

skr

W.P.No.12204 of 2020

18.01.2024