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W.P.(IPD).No.26 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS
CORAM

DATED : 22.10.2024

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(IPD).No.26 of 2024

Yasir Ahmed

... Petitioner

Vs

The Registrar of Trademarks,
The Office of Trade Marks Registry,
Intellectual Property Building,
G.S.T., Road, Guindy,
Chennai – 600 032.

... Respondent

PRAYER:- This Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondent to consider the representation dated 13.08.2024, within a stipulated time and pass such or other orders.

For Petitioner : Ms.E.Yukshitha

for Ram Gokul Advocates and Associates

For Respondents : Mr.M.Karthikeyan SPC

ORDER

This instant writ petition is filed to direct the respondent to consider the representation dated 13.08.2024, within a stipulated time.

2. The learned counsel for the petitioner would submit that the petitioner is the proprietor of the HALAL INDIA RESEARCH COUNCIL



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RESEARCH COUNCIL. He had made an application for another trademark HALAL INDIA and the same is applied for the purpose of labeling and logo.

However, the same had been objected to why the trademark registrar indicating that the same comprises of matter which is likely to be hurt the religious susceptibilities of a class or section of citizens of India. The same was replied to suitably. However, no action had been taken as of the date and the status of the application shows that the same is ready for show cause hearing but no date has been fixed for hearing. Hence, she had submitted representation on 13.08.2024 which she seeks to be considered by the respondent and pass appropriate orders within the time fixed by this court.

3. Mr.M.Karthikeyan, the learned counsel appearing on behalf of the respondent would submit that it is true that an application of the petitioner is pending and the same will be given preference as per the serial numbers. If the applicant's application is disposed of, the representations which had been filed by the applicants prior to the petitioner would be prejudiced. Hence, he would submit that the present mandamus need not be issued as a matter of right as short cut for the applicant.

4. I have considered the submission made by the learned counsels appearing on either side and perused the materials available on record.

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5. It is an admitted case that on 13.08.2024, the petitioner had made a representation to the respondent to consider his reply to the examination report and grant a trademark registration certificate and enable the petitioner to publish the trademark in the trademark journals at the earliest or in the alternate to grant a personal hearing. The said representation is seeking to dispose of an application at the earliest as the same is the statutory duty envisaged that to be fulfilled by the respondent.

6. In such view of the matter, I am inclined to direct the respondent to consider the representation of the petitioner dated 13.08.2024 and fix a date of hearing to consider the application of the petitioner. Such exercise shall be made by the respondent within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, the said writ petition is disposed of. There shall be no order as to costs.

22.10.2024

Gba

Index : Yes/ No

Speaking Order/ Non-speaking Order

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Copy to:

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K.KUMARESH BABU,J.

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