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W.P.(IPD)No.11 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(IPD)No.11 of 2025

Mr.Sampath G.V.
Trading as The Vellore Kitchen,
No.8, 2nd East Main Road,
Gandhi Nagar, Katpadi,
Vellore-632 006.

... Petitioner

-VS-

The Registrar of Trademarks,
Office of Trade Marks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy, Chennai 600032.

.. Respondent

Prayer: Writ Petition (IPD) filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to permit the petitioner to renew the registration of the mark THE VELLORE KITCHEN DEVICE under No.2670797 in Class 43.



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For Petitioner : Mr. S.Diwakar
for Mr.Rajesh Ramanathan

For Respondent : Mr.D.Baskar, CGSC

ORDER

By this writ petition, the petitioner seeks a direction for the renewal of registration of the trade mark THE VELLORE KITCHEN (device) under Trade Mark No.2670797 in Class 43. The petitioner had applied for registration of the above mentioned trade mark on 01.02.2014 by asserting use since 01.12.2013. The certificate of registration was issued on 09.08.2018. According to the petitioner, notice was not received in respect of the requirement to renew the trade mark. Upon receiving an alert in the online status of the trade mark indicating that the trade mark would be removed from the register, the petitioner endeavoured to file the renewal application online. Since the petitioner could not access the portal for such purpose, the present writ petition was filed.

2. Learned counsel for the petitioner referred to the sequence of material dates and events and contended that the present case is squarely covered by the ratio in *Jaisuryas Retail Ventures Private Limited v. The*



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Registrar of Trade Marks 2024:MHC:3109; 2024(100) PTC 25 (Mad)

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3. Learned counsel for the respondent submits in response that notice relating to renewal was despatched to the agent of the petitioner. In response to this contention, learned counsel for the petitioner submits that the said communication was returned unserved.

4. Since the trade mark has not, admittedly, been removed from the register as on date, the ratio of *Jaisuryas Retail Ventures* is squarely applicable and, consequently, the petitioner is entitled to seek renewal subject to payment of requisite fees in such regard.

5. For reasons aforesaid, this writ petition is allowed by directing the respondent to receive the petitioner's application for renewal of the registration of the trade mark THE VELLORE KITCHEN (device) under Trade Mark No.2670797 in Class 43. For such purpose, the respondent is



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directed to provide access to the portal. In the alternative, the respondent

shall receive and act on a physical copy. This process shall be completed

within 30 days from the date of receipt of a copy of this order. No costs.

19.06.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To

The Registrar of Trademarks,
Office of Trade Marks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy, Chennai 600032.



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SENTHILKUMAR RAMAMOORTHY,J

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