



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**WP(IPD) No. 3 of 2026
and WMP.(IPD)No.2 of 2026**

Solariz Healthcare Private Limited,
Rep by its Director Mrs.K.Sridevi
No.26/4, 1st street, Karani Garden
Saidapet, Chennai-600 015.

..Petitioner

Vs

1. The Deputy Registrar (Head of Office)
Office of the Trade Marks Registry
Intellectual Property Rights Buildings
GST Road, Guindy, Chennai-600 032.
2. The Senior Examiner of Trade Marks
(Mrs.Sarika P Nagpurkar)
Office of the Trade Marks Registry
Boudhik Sampada Bhawan,
S.M.Road, Antop Hill,
Mumbai-400 037.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 28.10.2025 passed in Trade Mark application No.4826903 on the file of the 2nd respondent /official attached to the Mumbai Branch Registry and to quash the same and



(i) directing the 1st respondent to restore the status of petitioner's Trade Mark Application No.4826903 into the e-register of pending status and re-post the same for virtual hearing or physical hearing before the officials attached to the 'Appropriate office' of the Chennai Branch Registry, to hear the submissions to be made by the petitioner/trademark applicant or on their behalf to pass order under Sec.18(4) and (5) of the Trade Marks Act, 1999 in the said trademark application within a time frame,

(ii) also to post whatsoever the future trademark application to be filed for brand names before the officials attached to the appropriate office.

For Petitioner: Mr. GN Shukumar

For Respondents: Mr. G.Subramanian, CGSC

ORDER

An order dated 28.10.2025 in relation to Trade Mark Application No.4826903 is challenged in this writ petition primarily on the ground that the second respondent does not have the jurisdiction to issue such order.

2. Learned counsel for the petitioner relies on Rule 4 of the Trade Mark Rules, 2017 which deals with the 'appropriate office' of the Trade Marks Registry. Because the 'appropriate office' in relation to the above mentioned application of the petitioner is the Chennai office, learned counsel contends that



the second respondent, who is said to be attached to the Mumbai office, is not empowered or authorised to pass an order. As regards the power under sub-section (2) of Section 3 of the Trade Marks Act, 1999 (the TM Act), learned counsel contends that the power therein is confined to administrative power.

3. The objection raised by the petitioner is completely untenable. Section 3 of the TM Act reads as under:

“3. Appointment of Registrar and other officers _

(1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Controller-General of Patents, Designs and Trade Marks, who shall be the Registrar of Trade Marks for the purposes of this Act.

(2) The Central Government may appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar, such functions of the Registrar under this Act as he may from time to time authorise them to discharge. ”

As is noticeable from the provision, the Controller General of Patents, Designs and Trademarks is described as the Registrar of Trade Marks. Under sub-section (2), the Registrar is empowered to appoint such other officers with such designations as he thinks fit for purposes of discharging the functions of the Registrar under the Act.



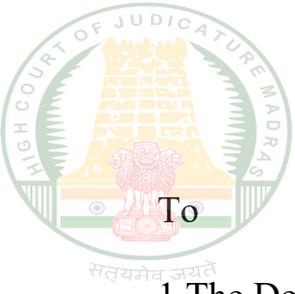
4. An application for registration is required to be filed by the applicant in the office of the Trade Marks Registry within whose territorial limits the principal place of business in India of the applicant is situated. This is prescribed in sub-section (3) of Section 18. Sub-section (4) of Section 18 empowers the Registrar to refuse the application or accept it either absolutely or subject to conditions, modifications or limitations. There is nothing either in the statute or in the rules framed thereunder, which require that only an officer attached to the appropriate office should examine applications and either accept or refuse the same. Because this petition has been filed based on a fundamental misconception, the petition fails.

5. Therefore, this writ petition is dismissed without any order as to costs. This order will not, however, stand in the way of the petitioner impugning the order challenged herein by way of appeal under the relevant provision. Consequently, connected miscellaneous petition stands closed.

04-03-2026

Index : Yes/No
Internet: Yes/No
Neutral Citation : Yes/No

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To

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Intellectual Property Rights Buildings
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SENTHILKUMAR RAMAMOORTHY, J.

KJ

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