2026:MHC:4695

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:28.10.2026	Pronounced on: 20.11.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

(GI) A No. 1 of 2026
IN
OP(GI) NO. 1 OF 2025

West Bengal State Handloom Weavers Co-operative Society Limited
Tantuja Bhawan, Block-DD, Plot No. 18/4,
Sector-I, Salt Lake City,
Kolkata - 700064, West Bengal, India

..Petitioner(s)

Vs

1. Deputy Commissioner Tangail
   Tangail, Office of the Deputy Commissioner,
   Tangail, Bangladesh,
   Represented by Constituted Power of Attorney
   Bangladesh High Commissioner,
   Mr.Md.Mustafizur Rahaman,
   Having address at
   Bangladesh High Commission,
   EP 39, Dr.S.Radhakrishnan Marg,
   Chanakyapuri,
   New Delhi 110021.
2. Geographical Indications Registry
   Intellectual Property Office Building,
   GST Road, Guindy, Chennai 600 032,
   India

..Respondent(s)

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Order QR

(GI) A . No.1 of 2026

OP(GI) No. 1 of 2025

Deputy Commissioner, Tangail
Office of the Deputy Commissioner, Tangail, Bangladesh, Represented by Constituted Power of Attorney Bangladesh High Commissioner, Mr.Md.Mustafizur Rahman, Having address at Bangladesh High Commission, EP 39, Dr.S.Radhakrishnan Marg, Chanakyapuri, New Delhi 110021.

Appellant(s)

Vs

1. The West Bengal State Handloom Weavers Co-Operative Society Limited
   Tantuja Bhavan Block-DD, Plot No.18/4, Sector 1, Salt Lake City, Kolkata 700064, West Bengal, India.
2. Geographical Indications Registry
   Intellectual Property Office Building, GST Road Guindy, Chennai 600 032, India

Respondent(s)

PRAYER in (GI) A No. 1 of 2026: This Application is filed under XIV Rule 8 of O.S. Rules read with ORDER VII RULE 11 of CPC, to

i) To reject the Original Petition in OP(GI) No.1 of 2025 filed under Section 27 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 seeking cancellation, variation or rectification of the registered Geographical Indication "Thangail Sarees of Bengal", as being not maintainable in Law;

ii) Hold that the 1st Respondent herein is not a "person aggrieved" within the meaning of Section 27 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 and that the petition is barred by law and constitutes an abuse of the process of this Court.

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Order QR

For Petitioner(s): Mr.S.R.Rajagopal,
Senior Counsel for
Mr.C.Deepak Kumar

For Respondent(s): Mr.Neel Mason for
Mr.M.S.Bharath,
Ms.T.S.Jayabharathi
and Mr.Uijawal Bhargava for R1
Mr. K.Subbu Ranga Bharathi,
Central Government Standing Counsel for R2

ORDER

This application has been taken out in the main Original Petition, seeking dismissal of the original petition, as not maintainable in law and that the 1st respondent in this application, is not even a "person aggrieved" within the meaning of Section 27 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 (hereinafter referred to as the *"GI Act"* for the sake of brevity) and also on the ground that the petition is barred by law and is an "abuse of process". The original petition has been filed to cancel the impugned GI registered vide Application No. 702 or alternatively rectify the impugned geographical indication and direct the GI Registry to accordingly remove from the Register of Geographical Indications, rectify and re-advertise in the journal of geographical indications, as the case may be.

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

2. I have heard Mr.S.R.Rajagopal, learned Senior Counsel, for Mr.C.Deepak Kumar, learned counsel for the applicant/1st respondent in the Original Petition and Mr.Neel Mason, for Mr.M.S.Bharath, learned counsel for the 1st respondent in the application and petitioner in the original petition.

3. Arguments of Mr.S.R.Rajagopal, learned Senior Counsel are summarised as hereunder:

(i) The 1st respondent/ petitioner in the original petition is not an "aggrieved person" and therefore the original petition itself is not maintainable.

(ii) The Deputy Commissioner of Tangail has no locus to initiate the original proceedings, leave alone maintain the same.

(iii) In terms of Rule 65 of The Geographical Indications of Goods (Registration and Protection) Rules, 2002 (hereinafter referred to as *"GI Rules"* for the sake of brevity), a remedy is available before the Registrar of Geographical Indications and hence, the present original petition which has been filed directly before this Court is again, not maintainable.

(iv) Section 31 of the GI Act provides for an appeal to this Court and therefore, the High Court cannot exercise the original power available

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

to the Registrar and also exercise appellate jurisdiction.

(v) In this regard he has taken me through Sections 11, 27, 31 and 58. The powers of attorney, which have been relied on, are also not proper and valid in the eye of law and viewed from any angle, the original petition is liable to be dismissed as no relief can be granted to the 1st respondent/ petitioner in the original petition.

4. Elaborating on the above contentions, Mr.S.R.Rajagopal, learned Senior Counsel, would state that, even from a plain reading of the averments contained in the petition, it becomes evident that the 1st respondent has no *locus standi* to seek for the reliefs sought for in the original petition. It is his further submission that the prayer that is sought for is akin to the provisions of Order VII Rule 11 of the CPC and this Court, without even embarking upon a roving enquiry into complex questions of fact, can, at the threshold, terminate the main proceedings. He would further state that the Deputy Commissioner of Tangail District, which is situated in Bangladesh, is only an administrative functionary entrusted with public administration, which is confined to the territorial district of Tangail in Bangladesh, admittedly outside the jurisdiction of this Hon'ble Court. He would further contend that the petitioner admittedly doesn't even

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

plead that the petitioner is engaged in the production, manufacture, sale, processing, marketing, trade or any other commercial activity relating to Tangail sarees which is the subject matter of the impugned geographical indication. He would therefore state that when the 1st respondent neither qualifies to be a "producer" defined under Section 2(1)(k) of the GI Act, nor a registered proprietor under Section 17, or even an authorised user under Section 17(3)/ 18 of the GI Act, the Deputy Commissioner, therefore, lacks locus to maintain and continue the original proceedings.

5. It is also his submission that apart from locus, the 1st respondent cannot maintain the original petition unless he is able to demonstrate and qualify to be a "person aggrieved" for which, the mandate of Section 27 of the GI Act has to be satisfied. In this regard, he took me through the averments in the original petition to contend that the 1st respondent has miserably failed to disclose any material fact to satisfy the requirement of Section 27 and consequently, the 1st respondent cannot seek for cancellation or rectification of the registered geographical indication, in favour of the applicant, by claiming that he is a person aggrieved. That apart, he would also contend that there is not even a whisper as to how the petitioner has been prejudiced or made to suffer any loss

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

on any count whatsoever, as a result of the registration of "Tangail Sarees in Bengal" in favour of the applicant. It is therefore his contention that without any legal injury or adverse impact, the 1st respondent has no legs to stand, in the eye of law. Thereafter, he invited my attention to the authority of the Deputy Commissioner of the District of Tangail, Bangladesh to institute the original petition, being a foreign and sovereign nation and for the failure of the Deputy Commissioner of Tangail District, to qualify to be a person aggrieved under Section 27, the original petition has to necessarily fail.

6. He would further contend that the 1st respondent cannot proceed on the assertion that Tangail sarees have been historically associated with the Tangail District of Bangladesh and therefore the 1st respondent is entitled to represent in the interests of person hailing from Tangail District. In this regard, he also brings to my notice that the GI Act provides for a statutory remedy, which is prescribed under Rule 65 of Geographical Indication of Goods (Registration and Protection) Rules, 2002 and admittedly, the 1st respondent having not invoked the said remedy cannot approach this Court straightaway and claim relief by circumventing the statutory procedure contemplated.

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

7. Lastly, it is the submission that the original petition is even barred by limitation and hit by delay and laches since the 1st respondent has acknowledged the fact that the application for registration of the applicant was examined, advertised in the journal only thereafter registered. He would further state that when such registration constitutes statutory notice to the public at large, having not invoked the opposition mechanism, despite having constructive knowledge of the registration long before the proceedings, the original petition itself is belated and not maintainable.

8. In support of the submissions, he has relied on the following decisions:

1. *National Bell and Co and Another vs. Metal Goods Mfg. Co. (P) Ltd. and Another,* reported in *(1970) 3 SCC 665;*
2. *Hardie Trading Ltd. and Another vs. Addisons Paint & Chemicals Ltd*, reported in *(2003) 11 SCC 92;*
3. *Patel Field Marshal Agencies and Another vs. P.M. Diesel Limited and Others,* reported in *(2018) 2 SCC 112;*
4. *State of Madhya Pradesh vs. Intellectual Property Appellate Board and Others,* reported in *2020 SCC OnLine Mad 28043;*

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

5. *Kabushiki Kaisha Toshiba vs. Tosiba Appliances Company & Ors.,* reported in *(2008) 10 SCC 766;*

6. *Infosys Technologies Limited vs. Jupiter Infosys Limited & Anr.,* reported in *(2011) 1 SCC 125;*

7. *The Agricultural and Processed Food Products Export Development Authority vs. Daawat Foods Limited and another,* reported in *2016 SCCOnLine IPAB 1;*

8. *Comite Interprofessional Du Vin De Champagne vs. M/s. Chinar Agro Fruit Products,* in *C.S. (Comm Div) No. 1194 of 2016* dated *07.09.2017;*

9. *Asociacion De Productores De Pisco A.G. vs. Union of India & Ors.,* in *W.P.(C) IPD No. 17 of 2021* dated *07.07.2025;* and

10. *Embassy of Pery vs. Union of India and Ors.,* in *LPA No. 577 of 2025* dated *18.03.2026.*

9. Meeting the above submissions of Mr. S.R.Rajagopal, learned senior counsel, Mr. Neel Mason, counsel representing Mr. M.S.Bharath, counsel on record for the petitioner in the original petition, made his submissions.

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Arguments of Ms.Neel Mason, learned counsel are summarised as hereunder:

10. Firstly, the GI Act should not be confused with Trade Marks Act, 1999, both statutes being entirely different in scope, object and application. Relying on TRIPS, more specifically Article 22, he would contend that the GI Act has to be read and interpreted, keeping in mind the origin theory. It is therefore his contention that even according to the applicant/ 1st respondent, the Tangail District is admittedly in Bangladesh and it is the place where Tangail sarees admittedly originated, even though subsequently even assuming a majority of the community may have migrated to West Bengal, from where they have been manufacturing, producing, selling / marketing the sarees. He would also refer to Section 85 of the GI Act which deals with reciprocity and contends that the legislation namely the GI Act has to be read along with Article 22 of the TRIPS there is an element of global impact and therefore, it is not necessary that the person seeking cancellation of the registration should also be residing or carrying on business within the jurisdiction of this Hon'ble Court. In this regard, he also took me through the Statement of Objects and Reasons for the Act 48 of

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

1999, namely the GI Act, being promulgated in the first place.

11. He also relied on Sections 2(1)(c), 2(1)(g) and 2(1)(f) to fortify his submissions that there is an underlying link to “territory” which highlights the origin aspect, and not referring to quality or user. He would therefore state that the geographical indication, as the name suggests gives a proprietary right over the territory and therefore, when the 1st respondent is representing the Tangail District, the 1st respondent is certainly entitled to seek for cancellation of the registration in favour of the applicant. He would also take me through the counter affidavit filed by the applicant in the main original petition, where the applicant admits the fact that the term "Tangail Saree” derives its name from Tangail District, which was a part of undivided Bengal and is now located in present day Bangladesh. He would therefore state that this admission of the applicant is sufficient to bring the 1st respondent within the definition of a “person aggrieved” and consequently maintain and prosecute the original petition, on merits.

12. As regards the alternate remedy being available with the Registrar, relying on Rule 65 and Section 27, it is his submission that under Section 27, though power to cancel or vary registration and to rectify the register can be

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

made either to the High Court or the Registrar, the jurisdiction is concurrent. As regards Rule 65, Mr. Neel Mason, learned counsel for the 1st respondent, would state that though Rule 65 speaks about an application to registrar or remove any geographical indication from the register is to be made to a Registrar under Section 27, it cannot override the provisions in the main statute and Rule 65 has to be interpreted only with regard to the procedure limited to a scenario where an application is moved before the Registrar. He would therefore contend that the argument that a rule takes away the statutory power available to the High Court under Section 27 is wholly fallacious and unsustainable. He would also rely on Section 31 of the GI Act, which provides for appeals against an order or decision of the Registrar under the GI Act or Rules made thereunder to be made to the High Court. He would therefore, contend that the statute does not, in any manner, take away the original power of this Hon'ble Court to rectify or cancel a registration which is conferred under Section 27 of the GI Act.

13. Mr.Neel Mason, learned counsel would also refer to IPD Rules, 2018, more specifically, Rule 10, which also recognises vesting of both original and appellate jurisdiction with the High Court. It is therefore, his submission that Section 31 conferring appellate power on the High Court will not have any

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

impact on the jurisdiction of this Court under Section 27. With regard to "person aggrieved", it is his submission that the phrase does not and cannot be limited to an emotional attachment or a bleeding heart. Taking me through paragraphs 9 and 10 of the original petition, he would contend that, in the petition, the 1st respondent has clearly averred about the fact that 22 or 23 lakh sarees have been made and manufactured in Tangail District, Bangladesh have been sold in India. Placing reliance on paragraphs 14 -17, he would state that the 1st respondent is already holding a valid registration of the geographical indication and therefore, the petitioner is certainly an aggrieved person as his right to apply in India for registration will be seriously jeopardised, if the registration in favour of the applicant is allowed to stand. Therefore, he would state that a liberal interpretation of "person aggrieved" has to be given, not making a narrow construction.

14. As regards the power of attorney, the learned counsel for the 1st respondent, Mr.Neel Mason, learned counsel would refer to the 2 powers of attorney which have been filed along with affidavits and contend that the powers of attorney have been in force. He would therefore state that the powers of attorney are valid and subsisting and the Registry was also satisfied about the

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

same before numbering the original petition. He would also distinguish the decisions that have been relied on by Mr.S.R.Rajagopal, learned senior counsel, on factual matrix and not in any manner affecting the rights of the 1st respondent to seek for cancellation/ rectification of the registration in favour of the applicant.

15. I have carefully considered the submissions advanced on either side. I have gone through the records filed by way of typed set of papers. I have also perused the various authorities that have been relied on by the learned senior counsel, Mr.S.R.Rajagopal.

16. Admittedly, the present application seeking dismissal of original petition, summarily, is akin to an application under Order VII Rule 11 of the CPC, for rejection of the plaint. Applying the very same principles as the yardstick to the facts on hand, it should be seen whether from a plain reading of the original petition, this Court can proceed to dismiss the original petition on the various contentions that have been argued at length. Firstly, let me deal with the powers of attorney that have been seriously disputed by the applicant. The original petition was filed in December 2024 and the Deputy Commissioner,

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Tangail, Bangladesh was represented by the High Commissioner of Bangladesh, Mr. Mohammed Mustafizur Rahman. Along with the original petition, a power of attorney dated 02.04.2024, has been filed. The said power of attorney has been executed by the Deputy Commissioner, Tangail, in favour of the agent, namely the High Commissioner, Bangladesh High Commission, at New Delhi. He has also signed the said power of attorney, accepting the powers conferred on him. However, when the above application was filed for dismissal of original petition in Application No. 1 of 2026, counter to the said application has been filed by one Mr. M.Riyaz Hamidullah, the then Bangladesh High Commissioner, at New Delhi. The said power of attorney is dated 17.04.2025. In fact, a copy of the said power of attorney is also filed before the Registry. Therefore, I do not see any real anomaly with regard to the powers of attorney which probably arise on account of a copy the subsequent power of attorney not being served on the counsel for the applicant.

17. Proceeding to decide whether this Court has jurisdiction to entertain the original petition, without the 1st respondent moving the Registrar for the leave sought for in the present original petition, Sections 27, 31, 58 of the GI Act and Rule 65 of the GI Rules, are relevant.

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

18. As already discussed herein above, Section 27 confers concurrent jurisdiction, to both the Registrar, as well as the High Court to cancel or vary the registration and rectify the register. Though Section 31 provides for appeals to the High Court from any order or decision of the of Registrar, under the GI Act or the rules made thereunder, it is not uncommon for this Court, which is vested with original powers and as well as appellate powers. As rightly contended by Mr.Neel Mason, learned counsel referring to the IPD Rules, 2018, the power of the High Court extends to not only original jurisdiction in respect of specific matters ordained but also appellate jurisdiction being conferred under various provisions. Therefore, merely because Section 31 makes this Court an Appellate Court for the purposes of deciding any appeal against an order or decision of the Registrar, it cannot whittle down the original power conferred under Section 27 of the Act.

19. Section 58 deals with the power of this Court to entertain an application for rectification of the register in certain cases. However, Section 58 deals with a specific scenario where a suit for infringement of a registered geographical indication is pending and in the said suit, the validity of the

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

registration of the geographical indication relating to the plaintiff to questioned by the defendant or where in such suit, the plaintiff questions the validity of the registration of the GI related to the defendant, then in such eventuality, notwithstanding the concurrent jurisdiction available to the Registrar, under Section 27, the High Court alone is made competent to decide such an application. Therefore, Section 58 deals with a special category of cases where a suit for infringement of registered geographical indication is pending and in scenarios set out above, the power of the Registrar under Section 27 is taken away. Again, this section does not curtail the power of this Court under Section 27 of the Act.

20. As regards the reference to Rule 65, I do not see how the said Rule can be put against the 1st respondent, to contend that the original petition itself, which is filed before this Court, is not maintainable. Rule 65, at best, sets out the procedure to be followed when an application is made to the Registrar under Section 27. Therefore, the Rule cannot and does not override statutory provisions. Section 27, as it stands, clearly enables this Court to exercise jurisdiction, to cancel, vary or rectify geographical indications. In view of the above, I am unable to accept the argument of the learned senior counsel,

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Mr.S.R.Rajagopal, that the 1st respondent ought to have exercised the remedy available under the GI Act, before approaching this Court, by way of an appeal, under Section 31.

21. With regard to "person aggrieved", the said phrase is not defined under the GI Act. Under Section 11, any association of persons or producers or any organisations or any authorities established by, or under any law, representing the interest of the producers of the concerned goods and who are desirous of registering a geographical indication in relation to such goods, shall apply to the Registrar, in such form and manner, along with the prescribed fees for registration of the geographical registration. Section 11, therefore, confines itself only to persons who are desirous of registering a geographical indication. However, the scope of Section 27 should not be confused with the person who is entitled to apply under Section 11. There is no statutory requirement that a person aggrieved under Section 27 should be qualifying under Section 11 to be a person interested or desirous of registering a geographical indication. Also, from the original petition averments, I find that the petitioner claims to have valid registration for the GI, Tangail Sarees in Bangladesh, though

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Mr.S.R.Rajagopal, learned senior counsel, contended that there is no proof to establish the said averment, I do not *per se* see this as a ground for disbelieving the statement of the 1st respondent/ petitioner in the original petition entailing dismissal of the original petition itself.

22. Even both India and Bangladesh, being signatories to TRIPS, there is substantial force in the arguments of learned counsel Mr.Neel Mason, especially with regard to Article 22 of TRIPS. It deals with protection of geographical indication which identify a good as originating in the territory of a member or a region or a locality in that territory where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. Therefore, even applying Article 22 of TRIPS, the 1st respondent cannot be said to be a person not aggrieved, as even according to the applicant, Tangail Sarees originated only from the District Tangail in Bangladesh, which is also presently situate only in Bangladesh.

23. In fact, on a reading of the original petition, I find that it is the categorical submission of the 1st respondent that Bangladesh follows a system of

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

state sponsored community-based GI system and the ownership of the geographical indication is granted to a state-owned entity. The Deputy Commissioner being the executive head of Tangail, represents the interest of weavers, traders and producers of Tangail Sarees. The petition also states that the Deputy Commissioner also supports the community of weavers, traders and producers in developing and promoting, not only in Bangladesh, but around the world. It has also been stated that, in Bangladesh, it is common practice for State-owned authorities to apply and obtain geographical indication registrations and also to challenge any registrations wrongfully granted. In my considered opinion, when such specific averments are found in original petition, I cannot see how the petition can be thrown out summarily, without even requiring an opportunity to elaborate the same being made available to the 1st respondent, at the time of the final disposal of the original petition. It is always open to the 1st respondent to explain and elaborate as to how the system works under the Bangladesh Geographical Indications of Goods Act, 2013 and to convince this Court with regard to the locus of the Deputy Commissioner to maintain the original petition, representing the interests of weavers, traders and producers of Tangail sarees in Bangladesh. Therefore, on facts, I am unable to see how a ground arises for dismissal of the original petition itself on the ground

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

of locus or that the petitioner is not a "person aggrieved".

24. Equally, when it comes to a "person aggrieved", according to the 1st respondent, Tangail Sarees from Bangladesh are being sold worldwide including in India and therefore, is always open for the 1st respondent to seek for registration of geographical indication of Tangail Sarees in its favour in India. If and when the 1st respondent chooses to seek for such registration, the registration in favour of the applicant would stare in the face of the 1st respondent and therefore, the petition for cancellation/ rectification is certainly maintainable and I do not again see how it is a ground for summary dismissal of the original petition. I also see a lot of merit in the contentions of learned counsel Mr.Neel Mason, that a geographical indication is primarily used to identify or recognise the geographical origin of the goods to which the geographical indication applies and when it is admitted by the applicant that the Tangail sarees derives its name from the Tangail District which is also situated only in Bangladesh, then the quality of the product, reputation of the sarees and any other special characteristics in the sarees could naturally be linked and be attributable to the Tangail region of Bangladesh and by getting registration of the name, "Tangail Sarees", the applicant is certainly attempting to monopolise

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

and claim right over the geographical indication, though the sarees may be manufactured or produced in several districts of West Bengal now.

25. Coming to the last argument with regard to limitation, the 1st respondent has categorically averred that it came to know about the impugned geographical indication only in February 2024, when the Ministry of Culture, India, posted a congratulatory message on grant of the impugned geographical indication on its social media. Thereafter, the 1st respondent has filed the Original Petition in December 2024. I do not see how there is any lethargy or undue delay on the part of 1st respondent, especially considering that the 1st respondent is from Bangladesh and not a normal resident or occupant of the Indian territory. Also, I do not see how a mere advertisement in the journal can disentitle the 1st respondent from seeking a legal remedy that is otherwise available under Section 7 of the Act.

26. Coming to the decisions relied on by Mr.S.R.Rajagopal, learned Senior Counsel, in *National Bell Company*'s case (referred herein supra), the Hon'ble Supreme Court was dealing with the expression "person aggrieved" by an entry in the Trade Marks Register and in fact only held that the expression

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

'aggrieved person' has to receive a liberal construction and to not only include a person who has, before registration, used the trademarks but also a person against whom an infringement action is taken or threatened by the registered proprietor of such a trademark.

27. In *Hardie Trading Ltd's* case (referred herein supra), the Hon'ble Supreme Court again discussing "person aggrieved" held that the phrase person aggrieved for the purposes of removal on the ground of non-use under Section 46 of Trade Marks Act, 1999, has a different connotation in the phrase used in Section 56, for cancelling or expunging, or varying an entry wrongly made or remaining in the Register. The Hon'ble Supreme Court further went on to hold that in the case of Section 56 seeking cancellation or varying a wrongly made entry, the *locus standi* should be ascertained liberally. However, such liberal approach cannot be adopted when it comes to a ground of non-user under Section 46, for which the person seeking relief should satisfy the Court as to how he is aggrieved or injured by the mark being allowed to stand.

28. In *Patel Field Marshal Agencies'* case (referred herein supra), the

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

Hon'ble Supreme Court held that all issues relating to and connected with the validity of registration has to be dealt with the Tribunal and not by the Civil Court and that where the parties have not approached the Civil Court, Section 46 and 56 of the Trademark Act, provide independent statutory right to an aggrieved party to seek rectification of a trade mark. I do not see how this decision rendered in the context of Trade Marks Act, 1999 can be applied, especially in view of my discussion relating to Sections 27, 31, 58, as well as Rule 65 hereinabove. In *State of Madhya Pradesh's* case (referred herein supra), the Division Bench of this Court, again holding that an application to the Registrar of Trademarks under Section 27 seeking to cancel or vary the GI Certificate being available only held that writ petition is not maintainable. This decision is not an authority for the point whether Section 27 confers concurrent jurisdiction on the Registrar, as well as the High Court. Therefore, I do not see how this decision also can be pressed into service by the applicant.

29. In fine, I see no merit in any of the grounds raised for seeking summary dismissal of the Original Petition itself and this is a case where parties will have to be relegated to a full-fledged enquiry/ trial in normal course, before deciding the plea of the 1st respondent for cancellation/rectification of the

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

WEB COPY

registration of the geographical indication in favour of the applicant for "Tangail Sarees" of West Bengal. In fine, application is ***dismissed***. However, there shall be no order as to costs.

20-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes

RKP

To

Geographical Indications Registry
Intellectual Property Office Building,
GST Road Guindy, Chennai 600 032, India

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)

2026:MHC:4695

WEB COPY

Order QR

P.B.BALAJI J.

RKP

Pre-delivery Order in

(GI) A No. 1 of 2026
IN
OP(GI) NO. 1 OF 2025
(1/2)

20-11-2026

https://www.mhc.tn.gov.in/judis (Uploaded on: 23/11/2026 06:17:18 pm)