WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2026

CORAM

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

OP(TM) No. 60 of 2025

CNR: {HCMA012682442025}

Sangu Chakra Hotels Private Limited
Represented by its Executive Director
Mr.C.Murali Krishnan,
Collector Office Road,
Cantonment, Thiruchirapalli -1,
Tamil Nadu, India 620001

Case QR

..Petitioner(s)

Vs

1. Mr.Shanmukha Raju Yelavarthy
   Trading as Shankuchakra,
   G11, Srividhya Apartments,
   No.14, Balakrishna Mudali Street,
   West Mambalam, Chennai 600 033,
   Tamil Nadu, India.
2. The Registrar of Trademarks
   Anna Salai, Guindy Industrial Estate,
   SIDCO Industrial Estate,
   Guindy, Chennai,
   Tamil Nadu 600 032

..Respondent(s)

PRAYER: This Original Petition is filed under Sections 47 and 57 of the Trade Marks Act, 1999, to direct Respondent No. 2 to cancel/expunge the entry relating to Application No. 3857383 for the mark SHANKUCHAKRA in Class 43 in the name of Respondent No. 1.

For Petitioner(s): Mr.M.S.Bharath,

For Respondent(s): Mr. G.Mutharasu,
Central Government Standing Counsel for R2
R1- Exparte

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The present Original Petition has been filed seeking a direction to the second respondent to cancel/expunge the entry relating to Application No.3857383 in respect of the mark 'SHANKU CHAKRA' in Class 43 in the name of the first respondent.

2. I have heard Mr.M.S.Bharath, learned counsel for the petitioner and Mr.G.Mutharasu, learned Central Government Standing Counsel for the second respondent. The first respondent despite service of notice, has neither chosen to appear in person nor through learned counsel and in fact, was set exparte by order of this Court dated 25.09.2026.

3. The learned counsel for the petitioner Mr.M.S.Bharath, would draw my attention to the fact that the Original Petition seeking cancellation/expunging the registration in favour of the first respondent is on a very narrow campus. According to the petitioner they have been using mark 'SANGU CHAKRA', ever since 1975 and he would further contend that the petitioner has established hotels under the brand SANGAM HOTELS and the petitioner has grown over the years by providing impeccable quality of hospitality services under the petitioner's Trademark 'SANGU CHAKRA HOTELS'. He would further contend that though the petitioner's group of Hotels is styled 'SANGU

https://www.mhc.tn.gov.in/judis

WEB COPY

CHAKRA', the brand name is 'SHANKU CHAKRA' and the name has now become well known in the Hotel Industries with branches in Tiruchirapalli, Thanjavur, Madurai and Chettinad.

4. The learned counsel would also take me through the statement of expenditure incurred by the petitioner even for advertisement from 2009, 2010 onwards upto 2023 to 2024, to drive home his contentions that the petitioner has been expending huge monies for promoting their group of hotels and including trademark and brand name. He also took me through the turnover of the petitioner's Company right from 2009 - 2010 onwards which has risen from 23.24 crores to 119.99 crores in 2023 to 2024. He would also take me through the awards that have been bestowed upon the petitioner for excellent service in the hospitality and hotel industry.

5. Pointing out to the application for registration made by the first respondent in various Classes viz., 29, 30,31, 43, 25 and 35, aggrieved by the registration under Section 43 alone, the petitioner has called upon the respondent by notice dated 07.08.2025 to voluntarily cancel the impugned registration of trade mark 'SHANKUCHAKRA' in Class 43. In response to the said notice, the first respondent sent a reply on 11.08.2025, without actually meeting the allegation with regard to the registration in Class 43. The learned

https://www.mhc.tn.gov.in/judis

WEB COPY

counsel for the petitioner would fairly state that insofar as the registrations obtained in all other Classes excepting 43, the petitioner has no objection whatsoever, since it is Class 43, which is causing all mischief in view of the fact that the petitioner is doing business clearly falling under Class 43 whereas, the first respondent's use of the mark 'SHANKUCHAKRA' does not pertain or qualify for use in relation to any of the services set out under Class 43. It is therefore the submission of the learned counsel for the petitioner that the registration under Class 43 is without any bonafide intention on the part of the first respondent and there is also no intention to use the trademark 'SHANKUCHAKRA' in relation to any of the services under Class 43. In this regard, he takes me through the user affidavit dated 11.06.2018, filed by the first respondent which also does not pertain to use of the mark in relation to any of the services under Class 43.

6. Admittedly, the first respondent has not even chosen to come forward and contest the present application. The learned Central Government Standing Counsel appearing for the second respondent, Mr.G.Mutharasu, would fairly concede that the second respondent is only a formal party and the second respondent would abide by any orders of this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. Considering the arguments advanced by the learned counsel for the petitioner, I am able to see that the grievance of the petitioner is only with regard to the registration of the first respondent's application under Class 43 in November 2019. Admittedly, the petitioner has been able to establish by overwhelming documentary evidence filed by way of voluminous typed-set of papers that they have been using the mark “SHANGU CHAKRA”, ever since 1975 onwards and that they are in the hotel business industry. The first respondent has not been able to even prima facie show entitlement for registration of their mark “SHANKUCHAKRA”, Trade Mark in Class 43. None of the services that fall within the Class 43 are relatable to the business of the first respondent and therefore, clearly there is no bonafide intention on the part of the first respondent to have applied and obtained registration under Class 43.

8. Though the petitioner fairly called upon the first respondent by legal notice to voluntarily seek withdrawal of registration under Class 43 alone and did not object to the registration of the mark in the other Classes in which it has been applied and registered, the first respondent has only given a wishy-washy reply which does not in any manner address the real grievance of the petitioner. Further, the first respondent has not shown seriousness in even contesting the present proceedings.

https://www.mhc.tn.gov.in/judis

WEB COPY

P.B.BALAJI, J.

9. For all the above reasons, the petitioner is entitled to succeed and this Original Petition is ***ordered*** and the second respondent is directed to cancel the entry relating to A.No.3857383 for the word mark "SHANKUCHAKRA" in Class 43 alone, standing in the name of the first respondent, within a period of four (4) weeks from the date of receipt of the copy of the order. No cost.

09-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKP

To
The Registrar of Trademarks
Anna Salai, Guindy Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai,
Tamil Nadu 600 032.

OP(TM) No. 60 of 2025

https://www.mhc.tn.gov.in/judis