



W.P.(MD).No.11889 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	25.07.2023
Pronounced on	:	02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD).No.11889 of 2023

P.Ravi

... Petitioner

Vs.

1.The Director of Vigilance and
Anti-Corruption,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur, Chennai-16.

2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
No.16/53, Palayamkottai,
Tirunelveli-627 002,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 223 of the Constitution of India, to issue a writ of Mandamus directing the respondents to register the case on the complaint of the petitioner dated 29.10.2019 within a time frame.



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For Petitioner : Mr.S.C.Herold Singh
For respondents : Mr.T.Senthil Kumar
Additional Public prosecutor

ORDER

This writ petition has been filed to direct the respondents to register the case on the complaint of the petitioner dated 29.10.2019

2. The petitioner made an allegation against one Kandasamy, who is working as a District Adi Dravidar Welfare Officer, Tenkasi. According to the petitioner, he misused his power as a public servant and amassed wealth. Hence, the petitioner gave a complaint before the respondent police and the same was not enquired. Therefore, the petitioner filed this writ petition to take necessary action against him.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the department conducted a detailed enquiry and found that there was no truth in the allegation made



by the petitioner. Apart from that, the District Collector also conducted an independent enquiry and the same was closed. As per the investigation, the Vigilance department filed a report, which is as under :

**Report on the Final Report submitted in DE
27/2011/REV/TI:**

It is submitted that the Detailed Enquiry in DE 27/2077/REV/TI was registered on a Vigilance Report on 25.04.2011 after getting the concurrence of Vigilance Commissioner in his letter No.1349/VC-II/2010-1 dated 16.03.2011 against Tr.S.Kandasamy, formerly Special Deputy Tahsildar (Reception), Tenkasi Taluk, Tirunelveli District, for allegation of possession assests which are disproportionate to his known sources of income during the period between 01.01.2006 and 31.12.2010. The Investigating Officer has fixed the check period between 01.01.2006 and 31.12.2010. It is submitted that the during the detailed enquiry the following facts came to light.

It is submitted that the father of the said Tr.S.Kandasamy namely, Tr.A.S.Subbiah who worked as Deputy Tahsildar in the Revenue Department died on 07.07.1987 while in service



and Tr.S.kandasamy got appointment in the Revenue Department as a Junior Assistant in the year 1994 on compassionate ground.

It is submitted that the Tr.S.Kandasamy married Tmt.Mary Jansirani on 11.12.1995 and she was working as Higher Grade Assistant in Life Insurance Corporation of India, Sankarankovil Branch. They are having two children. Tmt.Mary Jansirani's parents who were originally belong to Srilanka, settled in Tirunelveli doing some business. They gifted 150 sovereign of Gold Jewels, House hold articles and Rs.1,00,000/- cash to Tmt.Mary Jansirani at the time of her marriage with Tr.S.kandasamy.

It is Submitted that Tr.S.kandasamy was in possession of pecuniary resources and properties (in the form of immovable properties like plots, houses and movable properties like motor cycles etc.,) to the tune of Rs.2,19,783.90/- in his name as well as in the name of his family members as on 01.01.2006 i.e., at the beginning of the said check period.



It is submitted that Tr.S.kandasam was in possession of pecuniary resources and properties (in the form of immovable properties like plots, houses and movable properties like motor cycles etc.,) to the tune of Rs.44,76,765.91/- in his name as well as in the name of his family members as on 31.12.2010 i.e., at the end of the said check period.

It is submitted taht Tr.S.Kandasamy and others had received lawful sources of income from pay and other allowances and through loans from bank to the tune of Rs.53,90,659.756/- during the check period.

It is submitted that Tr.S.Kandasamy and others has incurred expenses (in the form of living expenses, re-payment of bank loan and educational expenditure of his children etc.,) to the tune of Rs.9,48,031.00/- during the check period.

It is submitted that Tr.S.Kandasamy acquired pecuniary resources and properties to the tune of Rs.42,56,982.01 (Rs.44,76,765.91-Rs. 2,19,783.90 = Rs.42,56,982.01) during the check period.



It is submitted that Tr.S.Kandasamy had saved Rs.44,42,628.75 (Rs.53,90,659.75-Rs. 9,48,031.00=Rs.44,42,628.75) as excess fund and could had acquired pecuniary resources and properties only to the tune of Rs.44,42,628.75 during the said check period by making use of his likely savings.

It is submitted that Tr.S.Kandasamy has acquired assets in his name as well as in the name of his family members to the tune of Rs. (-)1,85,646.74 (Rs.42,56,982.01 - Rs.44,42,628.75 = Rs.(-) 1,85,646.74) in excess of the likely savings, during the check period.

It is submitted that Tr.s.kandasamy had accounted satisfactorily the pecuniary resources and properties disproportionate to his known sources of income by offering explanations that the income is received from lawful sources and such receipt has been intimated in accordance with the provisions of rules application to the public servant.



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It is submitted that the Investigating Officer has Action Dropped the Detailed Enquiry against Tr.S.kandasamy and had sent Draft Final Report in the Detailed Enquiry on 10.10.2012. This was approved by DVAC, Chennai and sent to Government for its approval. Finally the Detailed Enquiry against Tr.S.Kandasamy, formerly Special Deputy Tahsildar (Reception) Tenkasi Taluk, Tirunelveli District was Action Dropped as per G.O.2(D).No.276 Revenue (Ser) 3(1) Department dated 05.06.2013.

4. In view of the above report filed by the respondent vigilance department, there is no need for further adjudication in this matter. Accordingly this writ petition stands dismissed. There shall be no order as to costs.

02.11.2023

NCC :Yes / No
Index :Yes / No
Internet :Yes / No

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