

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 67 of 2015

1. Rakesh Awadhiya S/O Late Shri Khanna Lal Awadhiya Aged About 53 years R/O House No. 52/908, Arzoo Villa, Millennium Chowk, Sundar Nagar, Raipur Police Station, Pt. Deendayal Upadhyay Nagar, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Home Affairs, Mantralaya, Mahanadi Bhawan, Police Station- Rakhi, Naya Raipur (Chhattisgarh)
2. Superintendent Of Police State Anti-Corruption Bureau, Raipur (Chhattisgarh)
3. Commissioner, Municipal Corporation, Raipur (Chhattisgarh)
4. Investigation Officer/ Inspector Of Police, State Anti-Corruption Bureau, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Shri S.S. Rajput, Advocate
For Respondent/State	Shri Adhiraj Surana, Dy. GA
For Respondent No.3	Shri Satish Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/03/2015

Heard learned counsel for the parties.

1. The petitioner is seeking quashment of the letter dated 4-7-2014 issued by the Anti Corruption Bureau, Chhattisgarh, Raipur, (for short 'the ACB') in the

name of the Commissioner, Municipal Corporation, Raipur, asking the said Officer to accord sanction to prosecute the petitioner and to take steps for his removal from service.

2. On perusal of the impugned letter and other documents filed along with the writ petition would demonstrate that the case for committing offence under Sections 13 (1) (e) and 13 (2) of the Prevention of Corruption Act, 1988 is registered against the petitioner by the ACB. The petitioner has allegedly amassed huge wealth disproportionate to his known source of income. Since his prosecution would require prior sanction of his appointing authority, the ACB has written the impugned communication.
3. In course of hearing, learned counsel for the petitioner failed to point out any legal impediment for the ACB to issue such communication seeking sanction of the appointing authority of the petitioner to prosecute him for the offence.
4. There being no legal bar for the Municipal Corporation, Raipur to accord sanction to prosecute the petitioner and the ACB having in the process of discharging its statutory function of investigation and filing of charge sheet, a mandamus or certiorari restraining the statutory authority or the Investigating Officer from seeking sanction or from filing the charge sheet cannot be issued.
5. As a sequel, the writ petition, *sans* merit, is liable to be and is hereby dismissed.

J u d g e