

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.20516 of 2015

K.R.Thiruvengadam

... Petitioner

Vs.

1. The Secretary,
Ministry of Personnel and Training,
Government of India,
New Delhi,
 2. The State of Tamil Nadu,
rep.by the Chief Secretary,
Secretariat,
Chennai - 9,
 3. The Director,
Directorate of Vigilance and Anti-Corruption,
NCB 21 to 28, T.S.Kumarasamy Raja Salai,
(Greenways Road),
Raja Annamalaipuram,
Chennai - 5,
 4. The Special Commissioner for Land Administration,
Kamarajar Salai,
Ezhilagam, Chepauk,
Chennai - 5,
 5. Mr.K.Magaraboosanam,
The Former District Collector,
Salem District,
Salem.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to cause an investigation to be conducted to unearth the irregularities committed by the 5th respondent in managing the governmental rare resources such as quarrying earth/gravel and other minerals during his tenure as District Collector, Salem by an independent investigative agency and to issue appropriate direction to the 1st and 2nd respondents to take suitable action against the 5th respondent.

For Petitioner : Mr.S.V.Selvakumar

For Respondents : No appearance for R.1
Mr.A.Kumar,Spl.G.P for RR.2 to 4

ORDER

Complaints have been made by the petitioner against the 5th respondent alleging that he has committed certain irregularities. As the said complaints have not been looked into, according to the petitioner, the present writ petition has been filed.

2. When the writ petition is taken up for hearing, a counter affidavit has been filed by the third respondent, wherein it has been stated as follows:

"... 4. It is respectfully submitted that the petitioner has also alleged that the 5th respondent Tr.Magaraboosanam during his tenure as District Collector, Salem has awarded contract for removing 56600 cubic metres of earth/ gravel to one Tr.P.Senthil Kumar on

17.4.2012, by flouting the norms and procedures and that though the 5th respondent has collected more than 1 crore rupees from the industrialists for the renovation of Buddha temple, he has spent only a meagre amount and swindled the remaining amount. The petitioner further mentioned that in this regard he has sent his representation dated 25.4.2014 to 1st and 2nd respondents but no action was taken against Respondent-5 and hence, the petitioner sought direction to Respondent-1 and Respondent-2 to take suitable action against Respondent-5.

5. In this regard, it is respectfully submitted that two copies of petitions dated 25.4.2014 of the petitioner addressed to the Chief Secretary to Government and Vigilance Commissioner, secretariat, Chennai- 9 with copies marked to Vigilance and anti Corruption and CBI were received in the Directorate of Vigilance and Anti-Corruption- one received directly in the Directorate on 29.04.2014 and another received from the CBI on 23.5.2014. As the petitions did not disclose any specific offences under Prevention of Corruption act, both the petitions were forwarded to the Chief Secretary to Government, secretariat, Chennai - 9 vide Ref.Nos.4023/2014/MED/SL dated 4.6.2014 and 3409/2014/PUB/CC-1 dated 6.5.2014 respectively as per the instructions mentioned in para 10(2) of the DVAC Manual.

6. It is submitted that the Chief Secretary to Government on receipt of the petitions from the DVAC forwarded the same to the Secretary to Government, Public (Spl.A) Department for necessary action."

3. In view of the above said actual position, the writ petition is disposed of directing the Secretary to Government, Public (Spl.A) Department, Government of Tamil Nadu, Fort.St.George, Chennai to dispose of the petitions forwarded by the Chief Secretary to Government, who in turn received them from DVAC, within a period of four weeks from the date of receipt of copy of this order. No costs.

Index:Yes/No
Internet:Yes
usk

04.09.2015
1/2

Note to Office:

Copy of this order shall be marked to the Secretary to Government, Public (Spl.A) Department, Government of Tamil Nadu, Fort St.Geroge, Chennai.
B/o
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To

1. The Secretary,
Ministry of Personnel and Training,
Government of India,
New Delhi,
2. The Chief Secretary,
Secretariat,
State of Tamil Nadu,
Chennai - 9,

3. The Director,
Directorate of Vigilance and Anti-Corruption,
NCB 21 to 28, T.S.Kumarasamy Raja Salai,
(Greenways Road),
Raja Annamalaipuram,
Chennai - 5,
4. The Special Commissioner for Land Administration,
Kamarajar Salai,
Ezhilagam, Chepauk,
Chennai - 5,

M.M.SUNDRESH,J.

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W.P.No.20516 of 2015**M.M.SUNDRESH, J.**

This petition came up today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. In the order dated 04.09.2015, while typing the name of the counsel for the first respondent, instead of typing as 'B.Ramarathanam', it has been mentioned as 'no appearance'.

3. Hence, Registry is directed to make necessary corrections and issue fresh order copy forthwith.

Kua

27.11.2015