

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26179 of 2015

S.Karthikeyan

...Petitioner

-vs-

1. Union of India,
Rep. by the Secretary,
Dept. Of Telecommunications,
Ministry of Communications and
Information Technology,
Sanchar Bhawan 20,
Ashoka Road, New Delhi - 110 001.
2. The Managing Director,
Tata Communications Limited,
VSB Mahatma Gandhi Road,
Fort, Mumbai - 400 001.
3. The Deputy General Manager,
Tata Communications Limited,
No.4, Swami Sivananda Salai,
Chennai - 600 002.
4. Joseph Manoharan
President, Videsh Sanchar Nigam
Employees' Co-op Housing Society Ltd.
No.4, Swami Sivananda Salai,
Chennai - 600 002.
5. The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai - 600 006.

6. The Superintendent of Police,
Central Bureau of Investigation
Anti Corruption Branch, Third Floor,
Shastri Bhavan, Haddows Road,
Chennai - 600 006.

7. State of Tamil Nadu
Rep. by the Secretary to Govt.,
Revenue Department, Secretariat,
Chennai - 600 009.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondent no.6 to register a case of corruption under the relevant provisions of the Prevention of Corruption Act, 1988 against respondents 2 to 4 as well as the officials of respondent no.1-Union of India in connection with the transfer of public land to an extent of 85.94 acres in Survey No.155/2A, 156/1 under patta number 3226 and Survey Nos.155/2B, 156/2 under patta no.3311 in Padianallur Village, Ponneri Taluk, Tiruvallur District, in favour of respondent no.2 and the non-cancellation of the allotment of 32.5 acres of land comprised in the said extent of 85.94 acres made to respondent no.4-Society.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.Su.Srinivasan
Asst. Solicitor General for R-1

Mr.S.T.S.Moorthy
Govt. Pleader for R-7, assisted by
Mr.V.Shanmugha Sundar, G.A.

सत्यमेव जयते
O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, claiming to be a Cost Accountant and Financial Consultant, seeks to file the present Public Interest Litigation alleging large scale corruption in the distribution of Government land to private parties to the extent of 85.94 acres in Padianallur Village, Ponneri Taluk, Tiruvallur District.

2.It is the case of the petitioner that he made a complaint to the sixth respondent / Central Bureau of Investigation alleging corrupt activities against the first four respondents relating to the transfer of the said land in favour of the fourth respondent, which is a co-operative society. No action being taken as yet, he now seeks to initiate a Public Interest Litigation.

3.It is the case of the petitioner that the second respondent acquired certain rights to the disinvestment of Videsh Sanchar Nigam Limited (VSNL) carried out in the year 2002. VSNL is stated to have holdings in four cities viz., New Delhi, Pune, Chennai and Kolkata. The subject matter is the land held at Chennai. VSNL had agreed to transfer the surplus land to the extent of 32.5 acres in Padianallur near Chennai for the purpose of housing society of its employees. In a litigation inter se the Union of India and VSNL, which took place in the Delhi High Court, formalities were required to be completed for handing over the said surplus land. It is stated that the opinion of the Court was that the VSNL was only the custodian of the land and it was towards a welfare measure to provide shelter to its employees that the earlier promise was made and the process of disinvestment could not take away the right of the co-operative society / the fourth respondent. The petitioner alleges that there were various violations and the allotment should have been withdrawn, but on the other hand, unwarranted profiteering was permitted by the fourth respondent society. The first respondent is stated to have given its no objection for the transfer of remaining 53.44 (85.94 - 32.5) acres of land.

4.The petitioner further alleges that the first respondent actually relinquished its title to the aforesaid, which is a public property, in favour of a private body, which after the privatisation vested with the second respondent and the now-filed public interest litigation seeks enquiry into this aspect.

5.In the petition, there is no mention about the wife of the petitioner, which would, in normal circumstances be logical, as the petition has been filed by the petitioner. However, from a reading of the typed set of documents, it transpires that the wife of the petitioner was employed with the VSNL and thereafter, on privatisation, with Tata Communication Limited as Senior Assistant for 15 years. On our query, it is stated that she is no more in service and was dismissed from service. The residential address shows that it is the property in question which still continues to be occupied by her and the petitioner. The wife was also a member of

the fourth respondent society.

6.On our further probing, the learned counsel for the petitioner produces before us the copy of an order passed in a criminal revision petition filed by the wife of the petitioner being CrI.R.C.No.423 of 2014 dated 04.07.2014 relating to the dissatisfaction in the working of respondent no.4, which had resulted in criminal proceedings being initiated.

7.On perusal of the records, it is apparent to us that all that is being done by the present petition is to give a wider compass to what is really a dispute between the wife of the petitioner and the working of the society / respondent no.4. We do not find the present exercise a bonafide one and are not inclined to exercise jurisdiction under Article 226 of the Constitution of India in the form of a public interest litigation.

8.Writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary, Dept. Of Telecommunications,
Ministry of Communications and Information Technology,
Sanchar Bhawan 20,
Ashoka Road, New Delhi - 110 001.
2. The Managing Director,
Tata Communications Limited,
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Fort, Mumbai - 400 001.

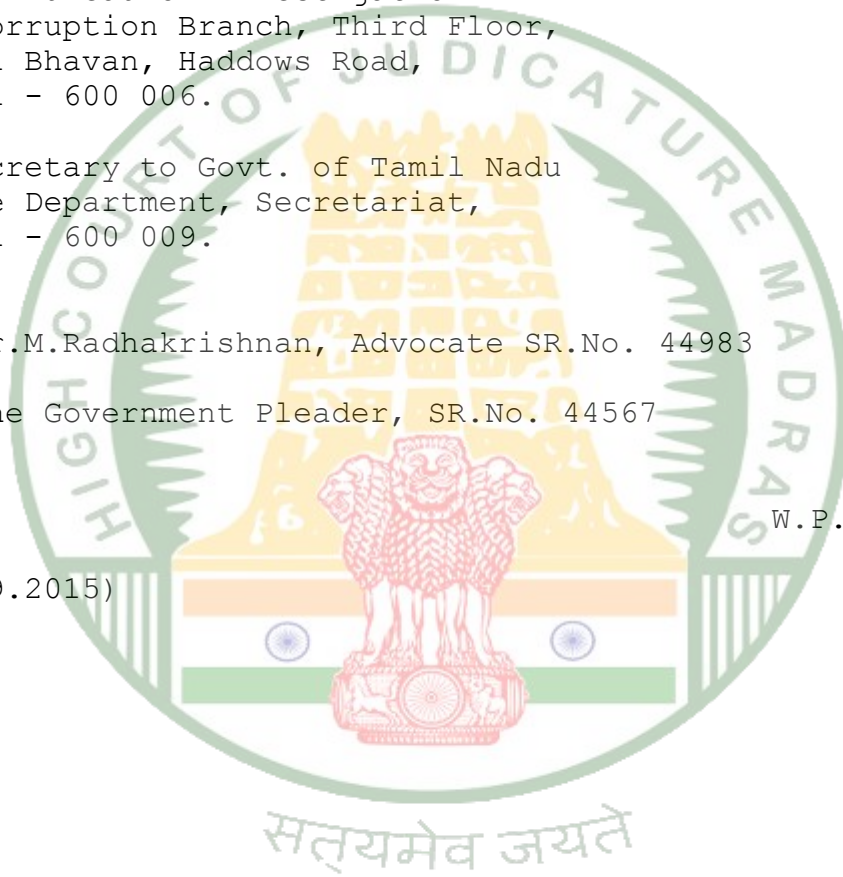
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5. The Superintendent of Police,
Central Bureau of Investigation
Anti Corruption Branch, Third Floor,
Shastri Bhavan, Haddows Road,
Chennai - 600 006.
6. The Secretary to Govt. of Tamil Nadu
Revenue Department, Secretariat,
Chennai - 600 009.

1 CC to Mr.M.Radhakrishnan, Advocate SR.No. 44983

1 CC to the Government Pleader, SR.No. 44567

RSK (CO)
PSI (02.09.2015)

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