

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.3695 of 2015

Anti Corruption Movement
rep. by its General Secretary
No.7, Kaveri Street
Gandhi Nagar, Saligramam
Chennai-93.

... Petitioner

vs.

1. The Government of Tamilnadu
rep. by its Secretary, Highways Department
Fort St. George, Chennai-9.
2. The Director General
Highways Department
Chepauk, Chennai-5.
3. The Chief Engineer (C&M)
Highways Department
Chepauk, Chennai-5.
4. The Director
Highways Research Station
Guindy Chennai-25.
5. The Director of Vigilance and Anti Corruption
P.S. Kumarasamy Raja Salai
R.A. Puram, Chennai-28.

6. R.S. Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 5th respondent to cause, by issuing appropriate circular, registration of FIR by its subordinates forthwith on receipt of information in writing from any person disclosing commission of cognizable offences

punishable under the Prevention of Corruption Act, 1988 against any Government Servant of any category as mandated u/s. 154 of Cr.P.C., 1973 notwithstanding any executive orders and provisions of manual of DVAC and without expecting any orders from any authority, including the first respondent therefor and consequently to register FIR forthwith based on the information given by the petitioner to the 5th respondent in its letter dated 10.06.2014 and investigate the matter and further to direct the 5th respondent to cause examination of the quality of all the works, executed by the 6th respondent in the name of his wife and brother and other relatives in any in Tirunelveli and Thoothukudi Divisions of Tamilnadu Highways Department as to whether the works were executed in substandard manner like the said work and to initiate action against the 6th respondent and others responsible for the substandard execution of works if any found.

For Petitioner : Mr. N. Subramaniam

For Respondents : Mr. S.T.S. Murthi
Govt. Pleader for R1 to R5
Mr. I. Abrar Md. Abdullah for R6

O R D E R

(Made by The Hon'ble The Chief Justice)

The re-examination of the road has been carried out by Mr.R.Guha Prasad, Superintending Engineer, Highways (C&M), Madurai Division, who is present in Court and states that the condition of the road is fine.

2. Learned counsel for the petitioner having made that submission on the last date of hearing, which persuaded us, now states that it should not be Mr.R.Guha Prasad, but a person from different department, who should carry out the testing. He seeks to raise some other issues also in the re-joinder.

3. We make it clear that we are not the road condition testing authority, nor is it possible to monitor every road made. A reference is made to the Government Order in G.O.Ms.No.323, Highways and Minor Ports (HK3) Department, dated 24.12.2010, dealing with quality control. If any of the other tests are required to be done in terms of the Government Order, the department concerned to carry out the same. But, we do not find any reason to keep monitoring the issue.

4. We also make it clear that we are not inclined to issue any other direction as prayed for in the public interest litigation.

5. The writ petition accordingly stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The Secretary, Highways Department
Fort St. George, Chennai-9.
2. The Director General
Highways Department
Chepauk, Chennai-5.
3. The Chief Engineer (C&M)
Highways Department
Chepauk, Chennai-5.
4. The Director
Highways Research Station
Guindy Chennai-25.
5. The Director of Vigilance and Anti Corruption
P.S. Kumarasamy Raja Salai
R.A. Puram, Chennai-28.

+1cc to Mr.I. Abrar Md. Abdullah , Advocate, S.R.No.22771
+1cc to Mr.N. Subramaniam, Advocate, S.R.No.22170
+1cc to the Government Pleader, S.R.No.22289

SU(CO)
CA(29/04/2015)

W.P. No. 3695 of 2015

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