

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2016

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THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.4891 of 2014

and

M.P.No.1 of 2014

Pushba

..Petitioner

vs.

1. The Government Secretary
Department of Adi Dravida Welfare
Secretariat
Chennai 600 009.
 2. The Managing Director
Tamil Nadu Adi Dravidar Housing
and Development Corporation
Tamil Nadu Housing Board Complex
Thirumangalam
Chennai 600 101.
 3. The Director
Anti Corruption and Vigilance Department
P.S.Kumarasamy Raja Salai
Raja Annamalaipuram
Chennai 600 028.
 4. The District Collector
Cuddalore District
Cuddalore 607 001.
 5. The Superintendent of Police
Anti Corruption
No.16, Pavazha Salai
Anna Nagar, Chennai 607 001.
- ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the third and fifth respondents to take appropriate action on the complaint dated 16.12.2013 made by the petitioner by registering an FIR.

For Petitioner : Mr.Y.Deva Arul Prakash
- No appearance

For Respondents : Mr.P.Karthikeyan
Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

There is no representation on behalf of the petitioner. Heard the learned counsel appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this Court may be pleased to issue a WRIT OF MANDAMUS, directing the third and the fifth respondents to take appropriate action on the complaint made by the petitioner, dated 16.12.2013, by registering a first information report.

3. The petitioner has stated that he had applied for the grant of Tamil Nadu Adi Dravidar Housing and Development Corporation, (hereinafter referred to as "TAHDCO") loan for starting a cashew nut decorticating process unit. Even though the petitioner had appeared for an interview, and had produced all the necessary documents, the loan was not sanctioned, in favour of the petitioner. The petitioner had alleged that one Chinnadurai, Office Assistant in TAHDCO office, Cuddalore had demanded a bribe of Rs.5,000/-, for the sanctioning of the loan. Therefore, the petitioner had submitted a complaint to the respondents 1 to 5. However, no action had been taken, by the respondents, against the said Chinnadurai, who had demanded the bribe for the sanctioning of the loan. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4. A detailed counter affidavit has been filed on behalf of the respondents 3 and 5 dated 13.03.2014. Paragraph Nos.6, 7 and 8 of the said counter affidavit read as follows:

"6. I submit that the 3rd respondent received a petition filed by the petitioner and a Preliminary Enquiry No.5/2014/TAHDCO/CL was registered based upon the said petition and a thorough enquiry was conducted and the facts as revealed by the enquiry is given hereunder succinctly.

7. I submit that the petitioner applied for a loan to the TAHDCO on 10.08.2013 under self-employment programme for youth which has 30% subsidy. The project of loan was for cashew decorticating and the petitioner attended the interview on 26.09.2013 at Panchayat Union Office, Annagramam. She did not furnish all the required documents. She did not quote the appropriate project amount and did not enclose the experience certificate. Till the finalization of the selection process on 18.11.2013, the petitioner did not furnish the mandatory experience certificate and hence her application was rejected.

8. I submit that the petitioner alleges demand of Rs.5,000/- as illegal gratification by the Office Assistant Tr.Chinnadurai and that the District Manager also confirmed the demand as per the allegation of petitioner. But none of the candidates who attended the selection process who were either selected or not, corroborated the version of the petitioner. In this enquiry, 9 witnesses were examined and 14 documents were collected. Only the husband of the petitioner, who is an interested witness, supported the allegation and there is absolutely no other iota or

evidence, both oral and documentary. Hence the petition was closed and a copy was served to the petitioner and the same was received by the husband of the petitioner on 17.02.2014."

5. In view of the averments made in the above mentioned paragraphs, this Court is of the considered view that the petitioner has not made out a case, for this Court, to grant the relief as prayed for by the petitioner, in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

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