

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.13495 of 2016

K.S.Vivekanandam

... Petitioner

Vs

State, rep. By

1.The Director,
Vigilance and Anti Corruption,
NCB 21, P.S.Kumarasamy Raja Salai,
Chennai-28.

2.The Inspector General of Police,
Special Investigation Cell-1 and 2,
Vigilance and Anti Corruption,
NCB 25A, P.S.Kumarasamy Raja Salai,
Chennai-28.

3.The Superintendent of Police,
Western Range,
Vigilance and Anti Corruption,
NCB 24, P.S.Kumarasamy Raja Salai,
Chennai-28.

4.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
No.1/7-1, Thiruchengodu Road,
Near Post Office, Nallipalayam Post,
Namakkal District 637 003.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction to further investigation and file status report in Crime No.4/AC/2016 on the file of the fourth respondent.

For Petitioner : Mr.K.S.Vivekanandam,
Part-in-person.

For Respondents : Mr.P.Govindarajan,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to further investigation and file status report in Crime No.4/AC/2016 on the file of the fourth respondent.

2. It is the case of the petitioner that he is serving as President in Awareness Committee, which was formed by him to help the poor in the society. One Elavanan and his father Subramaniam, in collusion with the Panchayat President, Secretary and Village Administrative Officer, grabbed Government poromboke land at Vallipuram Village, Survey No.338/1, 2 in Namakkal District worth about Rs.2 crores. Further, the Panchayat President and the Village Administrative Officer received several lakhs of rupees from the said Elavanan and illegally transferred the name in the revenue records in his favour. After receiving the amount, the Panchayat President passed a resolution on 26.1.2015 in their Village Panchayat for allowing the encroachment on Government Poromboke land including pathway of the public. Hence, the petitioner made a representation before the District Collector, Namakkal District, on public redressal day for removal of the said encroachment. But, the District Collector did not take any action. Hence, the petitioner sent a complaint to the respondents on 18.12.2015. Since the same was also not considered, the petitioner approached this Court by filing a petition in CrI.P.No.3680 of 2016 under Section 482 Cr.P.C. to register his complaint. As per the order of this Court in the said petition, FIR was registered in Crime No.4/AC/2016 only as against one V.Ramalingam, the Panchayat President and N.Perumal, former Panchayat Secretary for the offence under Section 13(2) and 13(1)(d) of Prevention of Corruption Act and so far, there is no action as against the land grabbers Elavanan, his father Subramaniam and the Village Administrative Officer. Hence, the present petition.

3. Today, when the matter was taken up for consideration, the respondents filed counter, wherein, it has been stated that based on the complaint given by the petitioner, a preliminary enquiry was conducted and the enquiry revealed that the said V.Ramalingam, the Panchayat President and N.Perumal, former Panchayat Secretary have abused their official position and have given land and building approval to the said Elavanan, for which they are not competent and hence, a case was registered in Crime No.4/AC/2016 under Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act on 4.4.2016 as against the said V.Ramalingam, the Panchayat President and N.Perumal, former Panchayat Secretary and the investigation is in progress. During the course of investigation, totally seven

witnesses have been examined and ten documents have been collected and some more witnesses have to be examined and documents have to be collected from the Revenue, Rural Development and Panchayat department and the case is under investigation. Thus, they sought for the dismissal of the petition.

4. In view of the statement made in the counter filed by the respondents that the investigation in is under progress, I am of the opinion, the question of further investigation in this case does not arise. However, the respondents are directed to complete the investigation in Crime No.4/AC/2016 as early as possible. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

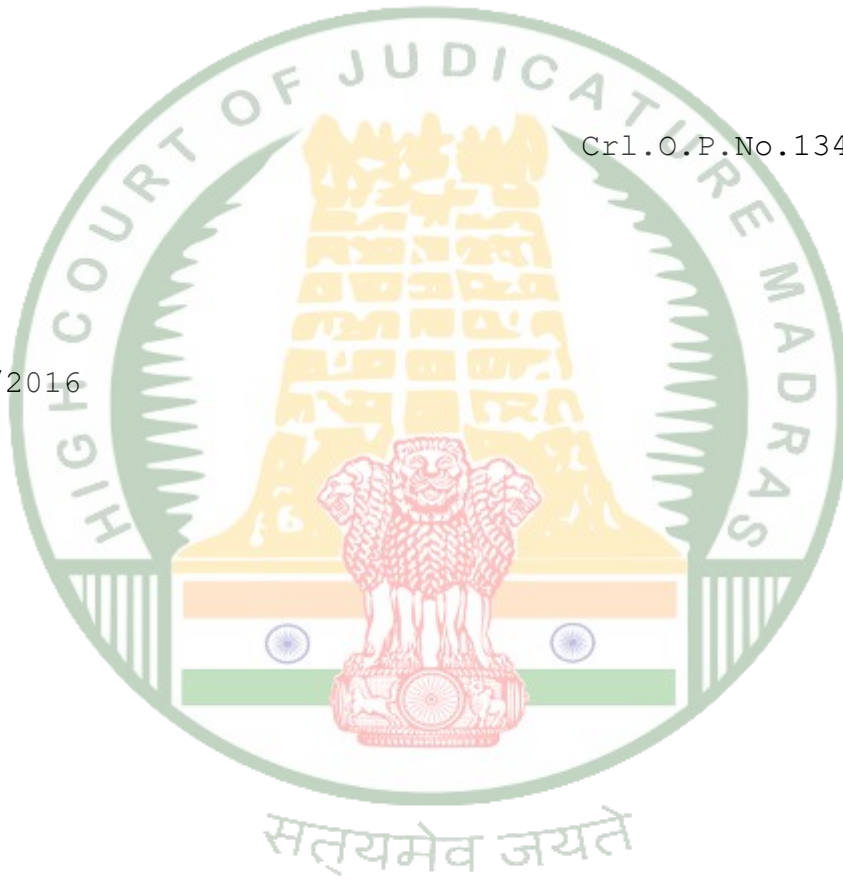
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+1cc to Mr.K.Bhoopathyrajan, Advocate sr.37281
+1cc to the Public Prosecutor, Advocate Sr.37213

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svi[co]
srg 21/07/2016



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