

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Orders reserved on 11.08.2016)

DATED : 19.08.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.1512 of 2016

The Anti Corruption Movement Chennai,
Rep by its General Secretary V.R.Chandran,
No.155, Konnur High Road,
Ayanavaram, Chennai-23. ... Petitioner

Vs.

The Director of Vigilance and Anti-Corruption,
Greenways Road,
Chennai-28. ... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., praying to direct the respondent-Police to register the F.I.R. on the complaint dated 01.01.2016 and investigate the matter in accordance with law.

For Petitioner : Mr.G.Mutharasu

For Respondent : Mr.P.Govindarajan, APP

* * * * *

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the respondent-Police to register the F.I.R. on the complaint dated 01.01.2016 given by the petitioner and to investigate the matter in accordance with law.

2.It is averred by the petitioner that the petitioner is the General Secretary of the Anti Corruption Movement Chennai and he preferred a complaint against one K.Jeyaraman, the Chief Engineer, Construction and Maintenance Wing of the Highways Department, alleging that the said person committed irregularities, such as preparing bogus bills for the sign boards, which are not actually fixed, inflating the cost of various items in the road project estimates, violating the Tender Transparency Act to his advantage, executing sub-standard works, diverting government funds to a tune of Rs.1,500/- crores allotted for plan works to non-plan works in the year 2014-15 with a motive of defrauding the Government funds. It is further averred by the petitioner that the said

Jeyaraman is belonging to a poor farmer family and he joined the Highways Department as Assistant Engineer in the year 1981 and moved up the ladder of hierarchy in the Department to the level of Chief Engineer in the year 2013. The said Jeyaraman has acquired many housing plots, buildings and shopping complexes at many places, by illegal means; that he amassed wealth disproportionate to his source of income; that he has not submitted income tax returns even for a single year. Hence, the petitioner lodged a complaint against the said Jeyaraman to take proper criminal action against him. But, the respondent-Police did not taken any proper action on the complainant lodged by the petitioner. Hence, the petitioner has come forward with the present petition before this Court seeking to direct the respondent-Police to take action on the complaint given by the petitioner.

3.The learned counsel for the petitioner submitted that when the complainant is given, the respondent is duty bound to register the FIR and to take proper action; but, no action was taken by the respondent-Police. In this regard, the learned counsel for the petitioner has also relied upon the judgment of the Hon'ble Supreme Court reported in (2014) 2 SCC 1 [Lalita Kumari Vs. Govt. of U.P.].

4.In this matter, earlier the respondent-Police filed a status report dated 22.03.2016, in which it was stated by the respondent-Police that the complaints of the petitioner dated 06.1.2016 & 14.1.2016 were perused by the respondent; since the allegations in the complainants are based on assumptions and presumptions and as there was no specific information of cognizable offence under Prevention of Corruption Act, the petitioner's complaints were forwarded to the Principal Secretary to Government, Highways and Minor Ports Department, Secretariat, Chennai vide., Ref.No.225/2016/HD/CC-HQ, dated 14.01.2016 and 512/2016/HD/CC-HQ, dated 25.01.2016. Thereafter, on 23.02.2016, the Principal Secretary to Government, Highways and Minor Ports Department, Secretariat, Chennai was addressed by the respondent seeking action taken report on the complaints forwarded by the respondent. In response, the Additional Chief Secretary to Government vide his Letter No.389/HR/2/2016-5, dated 03.03.2016 stated that the Director General (Highways) was requested to take action on the allegations referred to in the complaints and that he has reported to Government that the said Jeyaraman, Chief Engineer, Construction and Maintenance, (Retd), Chennai had submitted his property statement for the year 2015; that he had obtained prior permission from the Government for acquiring and selling the properties as enlisted in the property statement; that in his self declaration, he had stated that his wife and son are independent income Tax Assesess and hence, the acquisition of properties by his wife and son were not disclosed, as per the explanation given under Rule 7(1)(a) of Tamil Nadu Government Servants Conduct Rules, 1973 in G.O (Ms).No.409, P & AR, dated 24.12.1992. The

Director General (Highways) has also stated that preparing bills, execution of works and utilization of Government funds under appropriate heads of account would come under the purview of the Divisional Engineer, and calling of tenders as per the Transparency of Tenders Act comes under the power of either the Divisional Engineer or Superintending Engineer based on the powers delegated to the officers concerned; that the role of Chief Engineer comes only to the Estimate for which he has accorded technical sanction, and the cases where he accorded concurrence to tenders. The Government has examined the report and decided to treat the allegations referred to in the petition as false and baseless.

5. When the matter came up on 27.07.2016, this Court directed the respondent to produce all the connected files in this regard. Thereafter, the present status report dated 11.08.2016 has been filed by the respondent, in which it has been stated that as per the direction of this Court, all the documents relating to purchase of property were collected and that the contents of the allegation and the duration of the allegation periods are a lengthy one; that the other documents such as IT returns of the said Jeyaraman and his family members are to be collected and scrutinised. It is further stated by the respondent that a preliminary enquiry was registered in PE.179/2016/HD/CSU-III on 29.07.2016 against the said Jeyaraman. If the documents reveal any prima facie case, further action will be taken by the respondent.

6. Heard both sides. In view of the statement made by the respondent in the Status Report that if the documents reveal any prime facie case against the said Jeyaraman, further action will be taken by the respondent, this Court is of the view that there is no need to give any specific direction as sought for by the petitioner. Hence, recording the statement made by the respondent, this Criminal Original Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To,

1. The Director of Vigilance and Anti-Corruption,
Greenways Road,
Chennai-28.

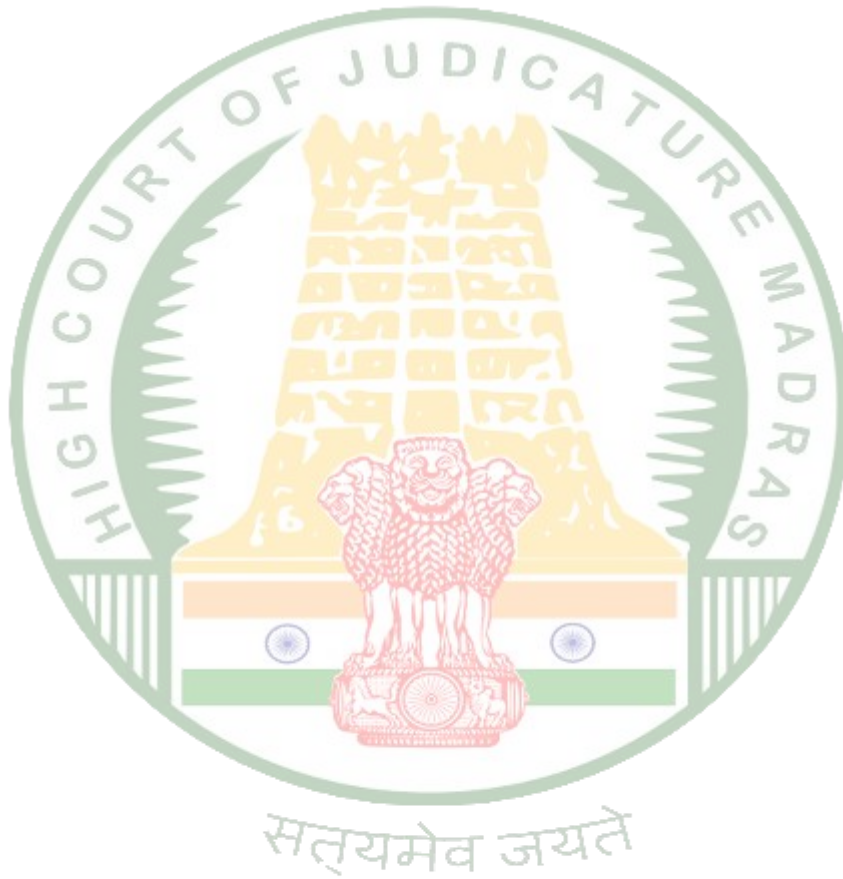
2.The Public Prosecutor,
Madras High Court, Madras.

+1 cc to Public Prosecutor, sr.47402

+1 cc to Mr.G.Mutharasu, advocate,sr47729.

msm(co)
krd 8/9

Cr1.O.P.No.1512 of 2016



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