



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM

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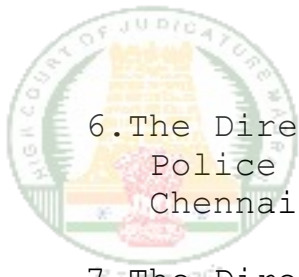
**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**W.P. (MD) .No.7022 of 2011
and
W.M.P. (MD) .No.12041 of 2016**

A.Jeyaprakash Narayanasamy .. Petitioner.

Vs.

- 1.The Chief Secretary,
The Chief Vigilance Commissioner,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai.
- 2.The Principal Secretary to Government,
Department of Home,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai.
- 3.The Principal Secretary to Government,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai.
- 4.The Principal Secretary to Government,
Department of Transport,
Secretariat,
St. George Fort,
Chennai.
- 5.The Transport and Road Safety Commissioner,
Government of Tamil Nadu,
Ezhilagam,
Chennai.



6.The Director General of Police,
Police Headquarters,
Chennai.

7.The Director,
Directorate of Vigilance & Anti Corruption,
Chennai. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents especially the respondents 1, 6 & 7 to investigate into the scam namely TN-EMRI 108, as per the Petitioner's representation dated 03-06-2011 and to take steps in accordance with the procedure prescribed under code of criminal procedure.

For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.T.R.Janarthanam
Addl. Government Pleader

ORDER

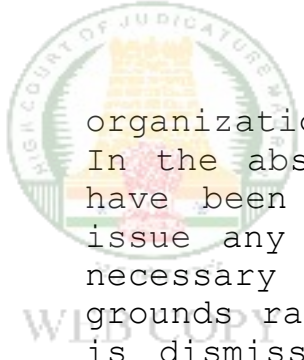
(The Order of the Court was made by S.NAGAMUTHU.J)

This Public Interest Litigation has been filed by the petitioner, seeking a direction to the respondents 1, 6 & 7 to investigate into the scam namely TN-EMRI 108, by considering the petitioner's representation dated 03-06-2011.

2.According to the petitioner, (vide paragraph No.15 of the affidavit), "TN-EMRI organization itself is an agency created for committing fraud alone. The then Government either by deliberation or by mistake have also collided with EMRI then GVK EMRI and its TN-EMRI to swindle the public money. The petitioner was given to understand that the Memorandum of Understanding (MOU) and the MOU dated 06.05.2008 is tailor made and created to fit EMRI alone". On these allegations, the petitioner alleged that there is a great scam in MOU reached between the Government and TN-EMRI to provide ambulance services.

3.We have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the records carefully.

4. As we have already extracted, according to the petitioner, the scam is on account of the MOU reached between the Government and the organization known as TN-EMRI. All the allegations are made against the TN-EMRI organization, calling it as a scam and also making several other allegations against the said organization. Unfortunately, the said



organization is not a party to this Public Interest Litigation. In the absence of the said organization against whom allegations have been made, it would not be appropriate for this Court to issue any direction as prayed for. The said organization is a necessary party. Therefore, we are unable to consider the other grounds raised in this writ petition. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

vs

To

- 1.The Chief Secretary, The Chief Vigilance Commissioner,
Government of Tamil Nadu, Secretariat, St. George Fort,
Chennai.
- 2.The Principal Secretary to Government,
Department of Home, Government of Tamil Nadu,
Secretariat, St. George Fort, Chennai.
- 3.The Principal Secretary to Government,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat, St. George Fort, Chennai.
- 4.The Principal Secretary to Government,
Department of Transport, Secretariat,
St. George Fort, Chennai.
- 5.The Transport and Road Safety Commissioner,
Government of Tamil Nadu, Ezhilagam,
Chennai.
- 6.The Director General of Police,
Police Headquarters, Chennai.
- 7.The Director,
Directorate of Vigilance & Anti Corruption,
Chennai.

+1CC to Mr.M.P.Senthil, Advocate Sr.No.50606

+1CC to Spl.Government Pleader Sr.No.50570

GJM/SS2/30.9.16-3p-10C