

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:07.08.2017
CORAM
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
W.P.No.13620 of 2016

R. Rajkumar ... Petitioner
Vs .

1.The Joint Director,
Central Bureau of Investigation,
South Zone
Sasthiri Bhavan, Haddows Road,
Nungambakkam,
Chennai - 600 006.

2.The Secretary,
The Ministry of Civil Aviation,
Government of India
Rajiv Gandhi Bhavan,
Safdar Jung Airport,
Sri Aurobindo Marg,
New Delhi - 110 003.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of the Writ of Mandamus directing the first respondent to conduct an investigation against the present and former governing members of Madras Flying Club for the misappropriation of flying fees received from 485 students taking into consideration of the career of all the students and direct the second respondent herein to provide the Airport Entry Permit for the petitioner to have access to his office at the Madras Flying Club, Civil Aerodrome, Chennai Airport to perform his duties and fulfil his employment responsibilities after considering the petitioner's representation dated 22.01.2016 expeditiously in accordance with law.

For Petitioners : Mr.C.E.Pratap

For RR1 : Mr.K. Srinivasan
Special Public Prosecutor,
for CBI.

For RR2 : Mr.K. Raju
Central Government Standing Counsel

O R D E R

This writ petition has been filed by the writ petitioner, who is working as a Secretary of The Madras Flying Club Limited, Civil Aerodrome, Chennai Airport. He has filed the writ petition to direct the first respondent to conduct an investigation against the present and former governing members of Madras Flying Club for the misappropriation of flying fees received from 485 students taking into consideration of the career of all the students and direct the second respondent herein to provide the Airport Entry Permit for the petitioner to have access to his office at the Madras Flying Club, Civil Aerodrome, Chennai Airport to perform his duties and fulfill his employment responsibilities after considering the petitioner's representation dated 22.01.2016.

2. Learned counsel for the petitioner would submit that the petitioner had approached the first respondent - CBI on 22.01.2016 and lodged a complaint before the first respondent to conduct an investigation as there is flagrant violation of Civil Aviation Regulation requirements. But the first respondent did not take any plausible steps to enquire into his complaint and thus remained as a mute spectator sitting over on the matter indolently for the reason best known to them. Therefore, he has approached this Court under Article 226 of the Constitution directing the first respondent to conduct an investigation against the present and former Governing Members of the Madras Flying Club Ltd., for the misappropriation of flying fees received from 485 students. He further submits that earlier a petition in CrI.O.P.No.30248/2015 was filed before this Court with a prayer to file an FIR against the governing members which ended in closure of the petition with liberty given to the petitioner to work out his remedy before the competent authority.

3. Learned Special Public Prosecutor appearing for the first respondent would submit that on representation received from the petitioner on 22.01.2016, a preliminary enquiry was conducted and found that prima facie allegation has not been made out to conduct further investigation and he also found several irregularities of amount regarding subsidy amounting to the tune of Rs.4,42,933/- for which they made recommendation to the concerned Departments to take necessary action.

4. Heard the submission of the learned Central Government Standing Counsel appearing for the second respondent.

5. Learned counsel for the petitioner has fairly conceded that the first respondent conducted the preliminary enquiry and found that there is no prima facie case made out to proceed further as first respondent has conducted the preliminary enquiry and submitted the report.

6. On perusal of the report and submission made by the first respondent, it is concluded that nothing survives in the Writ Petition. Therefore, the writ petition is dismissed with liberty given to the petitioner to work out his remedy before the appropriate forum.

In the light of the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gv

To

- 1.The Joint Director,
Central Bureau of Investigation,
South Zone
Sasthiri Bhavan, Haddows Road,
Nungambakkam, Chennai - 600 006.
 - 2.The Secretary,
The Ministry of Civil Aviation,
Government of India
Rajiv Gandhi Bhavan,
Safdar Jung Airport, सत्यमेव जयते
Sri Aurobindo Marg,
New Delhi - 110 003.
 3. The Public Prosecutor,
High Court, Madras, Chennai.
- + 1 cc to Mr. C.E. Pratap, Advocate Sr.56963
+ 1 cc to MR.K. Raju, Advocate SR.57130

W.P.No.13620 of 2016

GJ(CO)

Eu 28.08.17