

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1846 of 2017

T.Vincent

... Petitioner

Vs

1. The Director
Central Bureau of Investigation
Plot No-5B, CGO Complex
Lodhi Road, New Delhi - 110 003.
2. The Principal Chief Commissioner of Income Tax
121, M.G.Road, Nungambakkam
Chennai - 34.
3. The Chief Secretary
Government of Tamil Nadu
Fort St. George
Chennai - 9.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 1st respondent to forthwith initiate an inquiry/investigation into the allegations of corruption, investigate, prosecute and ferret out the truth regarding the connivance of senior Police officers as raised by the Commissioner of Police, Chennai City in his letter dated 22.12.2016 addressed to the Principal Secretary, Home Department, Government of Tamil Nadu and consequently direct the respondents to take immediate action to prevent the sale of any form of banned substances within Tamil Nadu in future.

For Petitioner

: Mr.K.M.Vijayan
Senior Counsel
for Mr.T.V.G.Kartheeban

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner, a lawyer by profession, seeks to file this public interest litigation for initiating an enquiry by the Central Bureau of Investigation regarding the alleged connivance of senior police officers, as raised by the Commissioner of Police, Chennai vide his office memo dated 22.12.2016, in respect of the subject matter of sale of banned substances of Gutka and Pan Masala in the State of Tamil Nadu.

2. The averments in the petition show that there is no specific ground work done by the petitioner to come to a conclusion that a fair and impartial enquiry would not take place or the reason for him to suspect the same. Other than press reports, the only material, as is apparent from the prayer itself, is actually a secret/confidential letter written by the Commissioner of Police, Chennai to the Principal Secretary to the Government. How such a letter comes to the hand of the petitioner is a moot point.

3. The Commissioner himself has raised the issue and called for an independent enquiry to unearth the involvement of any officer. The said step shows that the authorities are quite conscious of the importance of the issue and this letter is as recent as the last month. We see no reason why the Court should step into this issue when the authorities are themselves conscious of the gravity of the issue.

4. We also doubt the bona fides of the petitioner in filing the present petition. We have even earlier commented number of times on advocates lending their names as litigants and lending their shoulder to fire the gun, something which is condemnable. This is one more such case. It, in fact, seeks to give an impression as if some view officially taken is sought to be further pressed in the government decision system by filing a public interest litigation.

We are, thus, not inclined to interfere in the matter. The writ petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To

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+lcc to the Government Pleader, S.R.No.5265

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SSI(CO)
CA(06/02/2017)



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