

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.06.2017
CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21506 of 2016

G.Thiruvenkatasamy

...Petitioner

vs

1.Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor,E.V.K., Sampath Building,
College Road, Chennai 600 006.

2.Inspector of Police,
Central Bureau of Investigation,
SPE/ACB Chennai, III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai 600 006.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to register the case on the basis of the complaint dated 13.08.2014 and to investigate within a time frame limit.

For Petitioner : Mr.P.G.Thiyagu

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

WEB COPY ORDER

This Writ Petition has been filed by the petitioner to direct the respondents to register a case on the basis of the representation of the petitioner dated 13.08.2014.

2. The main ground alleged in the Writ Petition is that one S.Palanisamy approached him for purchasing of land for Enorgon Company to fix wind fans. Accordingly, he has also facilitated the purchaser to purchase the lands in the villages.

There was an oral understanding between the parties at the time of purchasing that the remaining land shall be given to the land owners. It is further averred in the Writ Petition that the said Palanisamy is working in Canara Bank. While he was working in Canara Bank, he has also worked for the Enorgon Company and the said Palanisamy also transacted business in binami names. In this regard, he has already given a complaint. However, no action has been taken by the respondent. Therefore, the present petition for Writ of Mandamus to direct the respondent to register the case based on the representation given the petitioner.

3. On a perusal of the complaint, the complaint is said to have been addressed to the Joint Director, CBI and he had alleged in the complaint that one S.Palanisamy, who is working in Canara Bank has indulged in purchasing of lands to fix wind mills. Similarly another representation has also been preferred by the petitioner to the Joint Director, CBI stating that there were transactions between the villagers and some wind mill company and the same is said to have been facilitated by one L.Palanisamy and the petitioner is also involved in procuring the same.

4. The entire allegation in the complaint, prima facie shows that the dispute is of civil in nature. At any event, the respondent, CBI also placed a letter stating that the complaint preferred by the petitioner has been forwarded to the Chief Vigilance Officer of the Canara Bank and no report has been received from the Chief Vigilance Officer, Canara Bank in this regard pointing to any act of criminal misconduct on the part of the said Palanisamy.

5. Similarly an official memorandum and a circular relating to investigation jurisdiction of CBI to investigate any direct bank cases, issued by the Central Vigilance Commission on 12.06.2012 and 17.08.2010, shows that any allegation involving Rs.3 crores, shall be referred to local state police. Similarly, for more than Rs.3 crores and up to Rs.15 crores, if involvement of staff is evident, the cases shall be referred to CBI, (Anti Corruption Branches) for investigation. When involvement of staff is not evident, the investigation shall be entrusted to CBI Economic Offence Wing, All cases of Rs.25 crores and above shall be entrusted to BS & FC Unit of CBI for investigation. As per the circular, the cases involving below Rs.3 crores, the local police or State Police alone is competent to investigate the matter.

6. Be that as it may. On the complaint sent by the petitioner, the CBI has forwarded the same to the Chief Vigilance Officer on 26.08.2014 for necessary action in the follow aspects :

1) Suspect named was no more in the service of Canara Bank.

2) The complaint appeared to be vague and contradictory with no specific details. On one hand, he says that said S.Palanisamy is an employee of Private Company and on the other hand he claims that the said Palanisamy was instrumental in purchase of land by company M/s.Enorcon India Limited.

7. This Court after perusal of the complaint is of the opinion that the complaint is bereft of any details with regard to allegations rather it indicate difference of opinion between the petitioner and the said Palanisamy in a land dispute. Prima facie, the dispute appears to be civil in nature. Therefore, every petition with vague and bereft of details cannot be entrusted to CBI to investigate the matter. It is for the petitioner to work out his remedy and establish the same before the concerned Magistrate court, if he is able to establish and prove the allegation placing proper materials and documentary evidence.

8. Accordingly, this Writ Petition is dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vrc

To

1.The Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor,E.V.K., Sampath Building,
College Road, Chennai 600 006.

2.The Inspector of Police,
Central Bureau of Investigation,
SPE/ACB Chennai, III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai 600 006.

3.The Special Public Prosecutor CBI Cases
High Court, Chennai

+1 cc to Mr.P.G.Thiyagu Advocate sr 41974

W.P.No.21506 of 2016

ev(co)
aa28/06/2017



WEB COPY