



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

Order reserved on 29.11.2016

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CORAM:

THE HON'BLE Mr.JUSTICE A.M.BASHEER AHAMED

CrI.O.P.(MD) No.19735 of 2015

Raja

... Petitioner

Vs.

1.The Director,
Vigilance and Anti Corruption Department,
Raja Annamalaipuram,
Chennai.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Thallakulam,
Madurai.

... Respondents

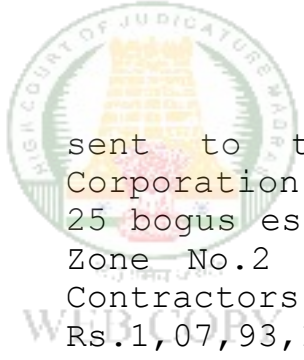
Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent to register the complaint given by the petitioner on 26.09.2015 and to take immediate action within the time stipulated by this Court.

For Petitioner : Mr.M.Raja (party in person)
For Respondent : Mr.P.Kandasamy, G.A.(CrI.side)

O R D E R

The petitioner, who himself has called as social activist working for the welfare of the poor and down trodden people, has filed this Criminal Original petition under Section 482 of Cr.P.C. seeking a direction before this Court to direct the 2nd respondent to register the complaint dated 26.09.2015 given by him, explaining the details of fraudulent and cheating acts by misappropriating a sum of Rs.1,07,93,100/- by the officials and the employees working in the Madurai South Zone, Madurai Corporation limits during the year 2010- 2011, which was published in a daily tamil newspaper. Since no action has been taken by the respondents, who are bound to take immediate action against this swindling of huge public amount by the concerned officials in collusion with the contractors, this Criminal Original petition is filed to take immediate action within the stipulated time fixed by this Court.

2.The learned Government Advocate (CrI.side) appearing for the respondents by producing a report dated 16.10.2015 and 25.10.2015



sent to the 2nd respondent by the Commissioner of Madurai Corporation setting out the facts that during 2010-2011, there were 25 bogus estimate of works prepared by the Corporation officials in Zone No.2 of Madurai Corporation in collusion with Corporation Contractors and bills were passed for the amount of Rs.1,07,93,100/- without executing the estimated works and it was noticed that the concerned bogus vouchers were found in back file. But there was no entry in the estimate register, tender register and bill register maintained by the Corporation. The reports further reveals the fact that the departmental enquiry was conducted with the available vouchers against the concerned officials and the contractors and the errored officials were departmentally dealt with under Madurai City Municipal Corporation Service rules, 1975 and were held that the charges against the corporation officials have proved as they had colluded with the licensed contractors in preparing bogus bills and signing in vouchers.

3.It is further stated that an amount of Rs.1,07,93,100/- was sanctioned to 8 licensed contractors namely, (i)Thiru A.Suresh Babu, (ii)Thiru M.Muthu, (iii)Thiru V.Chinnathambi, (iv)Thiru M.Tharmar, (v)Thiru R.Saravanan, (vi)Thiru Ramesh, (vii)Thiru Ramakrishnan and (viii)Thiru Jayaram. On the basis of 25 bogus estimate works for removing deposited earth from road margin in Ward Nos.5,6,11,16,17,18 and 20, removing the excess earth from the road margin in Ward Nos.4,11,15,17 and 20 and painting work and ramp facility, providing pipe line leak at old LIG Colony in Ward No.6, providing chain link fencing at Annanagar in Ward No.8 certain officers of the Corporation were suspended and awarded punishment of postponement of increments with or without cumulative effect from 6 months to 3 years.

4.The above said 8 licensed contractors were permanently removed from the list of licensed contractors of Madurai Corporation, who paid Rs.97,95,511/- and remaining amount of Rs.9,97,589/- was recovered from the caution deposits from the respective contractors after departmental enquiry.

5.The petitioner herein has taken much pain in collecting materials to punish the erred corporation officials and the licensed contractors, who are hand in glove with each other under criminal law. Any person can set criminal law in motion. Though the concerned Corporation Officials and the licensed contractors were dealt with departmental action and were awarded punishment merely postponing their increment for a particular period and removing errored officials and contractors from the list permanently, they are also liable to be punished for their criminal activities before the Court of law since they have received the amount illegally without doing any works allotted as per the reports of the Commissioner of Madurai Corporation and swindled



huge amount of public money on the basis of the bogus records in collusion between the officials and the contractors of the Madurai Corporation.

6. In the above stated circumstances and also considering the materials on record, this Court is of the opinion that there is a prima facie case with particulars for registration of FIR against the erred officials and contractors as prayed for in this petition. Hence, this Court is inclined to direct the 2nd respondent to register FIR on the basis of the collected materials according to law and also to file a final report before the concerned Court as expeditiously as possible in this case.

7. With the above observation and direction, this Criminal Original Petition is disposed of.

Sd
ASST REGISTRAR

TRUE COPY

SUB ASST REGISTRAR

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To

1. The Director,
Vigilance and Anti Corruption Department,
Raja Annamalaipuram,
Chennai.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Thallakulam,
Madurai.

3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

KK PM PN 6 2 17
3P 4C

Order made in
Cr1.O.P. (MD) No.19735 of 2015
31.01.2017