



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **13.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.1952 of 2017

1.C.Boaz
2.A.Augustin Selvaraj
3.M.George Kennedy

: Petitioners

Vs.

1.The Director,
Vigilance and Anti Corruption,
No.293, MKV Road, Alandur,
Chennai-16.

2.The Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Shastri Bhavan, Chennai -6.

3.The Project Director,
NHAI, Pleasant Nagar, KP Road, Nagercoil,
Kanyakumari District - 629 003.

4.The District Collector,
Kanyakumari District, Nagercoil,

5.The Project Director,
Larsen and Tubro Pvt. Company Ltd.,
Thottiyodu, Chunkakadai Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to conduct an enquiry regarding the illegal cutting and selling of the trees from the lands acquired by the fourth respondent for laying road for the highway from Nagercoil to Kavalkinaru and Kanyakumari to Kaliyakavilai in NH-47 and 47B against the erring officials based on the complaint of the petitioners dated 25.11.2015 and 17.12.2016 and recover the amount.

For Petitioner

: Mr.I.Robert Chandrakumar for
Mr.G.Prabhu Rajadurai

For R-1, R-2, R-4 & R-5

: Mr.M.Govindan,
Special Government Pleader

For R-3

: Mr.M.S.Suresh Kumar



O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioners filed this Writ Petition to direct the respondents 1 and 2, to hold an enquiry regarding illegal cutting and selling of trees from the lands acquired by the fourth respondent for laying road for the Highway from Nagercoil to Kavalkinaru and Kanyakumari to Kaliyakavilai and to take action against the concerned officials based on their complaint.

2. The National Highways Authority of India took action for formation of road from Nagercoil to Kavalkinaru and Kanyakumari to Kaliyakavilai. It is the case of the petitioners that there are valuable trees in the acquired property. The fifth respondent was given permission to cut and remove the trees without conducting auction. The petitioners therefore, submitted representations to the respondents on 25.11.2015 and 17.12.2016.

3. The counter-affidavit filed by the first respondent indicates that the complaint preferred by the petitioners was forwarded to the Superintendent of Police, C.B.I, Chennai. The counter-affidavit indicates that preliminary enquiry in the matter was conducted by Vigilance and it was found that there was no basis for registering a case against the Officials, for commission of offences under the Prevention of Corruption Act.

4. The counter-affidavit filed by the third respondent indicates that a request was made to the Forest Department to assess the value of the trees and permission was given to the fifth respondent to cut and remove the trees, subject to the condition that the Company shall pay the entire amount assessed by the Forest Department.

5. We do not find any error or illegality in the manner in which permission was granted to the fifth respondent to cut and remove the trees. There is no question of interfering in a matter like this. There is absolutely no public interest involved in this matter. The third respondent permitted the fifth respondent to cut and remove the trees for the purpose of laying the road at the earliest. Such being the factual position, the petitioners have not made out a case for taking action against the concerned respondents. We therefore do not find any merit in this Writ Petition.

6. In the upshot, we dismiss the Writ Petition. No Costs.

Sd/-

Assistant Registrar(RTI)



To

1.The Director,
Vigilance and Anti Corruption,
No.293, MKV Road, Alandur,
Chennai-16.

2.The Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Shastri Bhavan, Chennai -6.

3.The District Collector,
Kanyakumari District, Nagercoil,

+1cc to M/S.SURESH KUMAR, Advocate SR.No.65196

+1cc to M/S.G.PRABHU RAJADURAI, Advocate SR.No.65438

pm

MAS/KP/SAR2:27.07.2017:2P-6C

Order made in
W.P. [MD].No.1952 of 2017
Dated:
13.07.2017