

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/10/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.28329 of 2018

Y.Akbar Ahmed

Petitioner

Vs

1. The Special Officer
Hon'ble Chief Minister's Special Cell
Secretariat
Chennai 600 009.
2. The Directorate of Vigilance and
Anti Corruption
No.293 MKN Road
Alandur
Chennai 600 016.
3. The Commissioner of Police
Vepery
Chennai 600 007.
4. The Additional Director General of Police
Crime Branch - Central Investigation Department
Egmore
Chennai 600 008.
5. Mr.Sam Vincent
the Then Inspector of Police
Anti Vice Squad Wing
Chennai.
6. Saravanan
The then Inspector of Police
Anti Vice Squad Wing
Chennai.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent to consider the representations dated

17/5/2018 and 5/8/2018 and to take strict action against the fifth and sixth respondents herein.

For petitioner ... Mr.Y.Akbar Ahmed
Party-in-Person

For respondents ... Mr.T.N.Rajagopalan
Government Pleader
for R.R.2 to 4.

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O R D E R

(Order of the Court was made by S.Manikumar, J)

Based on a news item published, in 'Times of India', dated 16th May 2018, alleging that two Inspectors of Police of Anti-Vice Squad, have earned lakhs of rupees, in collusion with pimps, to run prostitution, in Chennai City, petitioner seemed to have sent a representation, dated 17/5/2018, to the Special Officer, Hon'ble Chief Minister's Special Cell, Secretariat, Chennai, Directorate of Vigilance and Anti Corruption, Chennai and the Commissioner of Police, Chennai, to conduct an enquiry, into the above said matter, and to take action against the Inspectors of Police, under the provisions of Prevention of Corruption Act, 1988. Petitioner has also sought for suspension of the said Police Officers from service and that a case to be registered.

2. Contents of the petition, dated 17/5/2018, contents of the petition is stated to have been enquired into by the Director of Vigilance and Anti Corruption, Chennai. Thereafter, vide letter, dated 25/5/2018, the Director of Vigilance and Anti Corruption, Chennai, has forwarded the petition, for necessary action, to the Commissioner of Police, Chennai City, Chennai, as per the instructions contained in Government Memo No.1356/64/2. Public (Services - B), dated 8/4/1964 and incorporated in para 10 (3) of the Manual of the Director of Vigilance and Anti Corruption, considering the fact that the petition does not disclose any specific offence under the Prevention of Corruption Act, 1988.

3. For brevity, letter, dated 25/5/2018, of the Director of Vigilance and Anti Corruption, addressed to the Commissioner of Police, Chennai, is reproduced.

Sub: DVAC - Petitions received in this
Directorate - Reg.

Ref: Petition dated 17/5/2018 from
Tr.Y.Akbar Ahmed, S.o.B.Yousuf Ahmed, Old

No.113, New No.257, Amir Mahal, Royapettah,
Chennai 600 014.

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The above referred petition received in this Directorate on 21/5/2018 was perused.

(i). It is addressed to the Hon'ble Chief Minister of Tamil Nadu and a copy of the same is marked to this Directorate.

(ii). The petition copy was to may officials/departments for the same allegation.

2. The allegations in the petition are levelled against the following officials:

Tr.Sam Vincent, Inspector of Police, Anti Vice Squad, Greater Chennai Police and Others

3. The allegations mentioned in the petition are

(i). General in nature and do not disclose any specific information of cognizable offence under the Prevention of Corruption Act.

(ii). The Commissioner of Police, Chennai City is the competent authority to look into an act upon such petition.

4. Hence, the petition is original is sent herewith, for necessary action at your end, as per the instructions issued in Govt.Memo No.1356/64/2, Public (Services - B) dated 8/4/1964 and incorporated in para 10 (3) of the Manual of the DVAC, considering the fact that the petition does not disclose any specific offences under Prevention of Corruption Act, 1988.

This Directorate has not caused any enquiry into the contents of the above petition.

For Director
(K.Shanmugam)

Additional Superintendent of Police
Headquarters
Vigilance and Anti-Corruption
Chennai 16.

4. Copy of the said letter, dated 25/5/2018, has been sent to the petitioner. On receipt of the said letter, placing reliance on the order of this Court, made in W.P.No.12746 of 2016, dated 21/6/2016, petitioner has sent yet another representation, dated 5/8/2018, to the Additional Director General of Police, (CB-CID), Central Crime Branch - Central Investigation Department, Chennai, to register a case against the Police Officers, under the provisions of Immoral Traffic Prevention Act and other provisions of law and to conduct an enquiry.

5. Superintendent of Police, Chennai, in R.C.No.Crime 1 (4)/691/013672/2018, dated 7/9/2018, has forwarded the said petition, dated 5/8/2018, to the Commissioner of Police, Greater Chennai Police, Chennai. The said letter reads thus:-

Sub: Police - CBCID - Petition of
Tr.Y.Akbar Ahmed, S/o. Yousuf Ahmed, Chennai -
Forwarded on point of jurisdiction - Regarding.
Ref: Petition of Tr.Y.Akbar Ahmed,
S/o.Yousuf Ahmed, Chennai, dated 5/8/2018
- - - - -

Kind attention is invited to the reference cited above.

2. The petition of Tr.Y.Akbar Ahmed, S/o.Yousuf Ahmed, Chennai, is sent here with on point of jurisdiction for taking necessary action at your end.

3. The Crime Branch CID has not made any enquiry on this petition."

6. Alleging that no action is taken on the representation of the petitioner, present writ petition has been filed for a mandamus, directing the Commissioner of Police, Chennai, third respondent, to consider the representations, dated 17/5/2018 and 5/8/2018, respectively and to take action against the then Inspectors of Police, Anti-Vice Squad Wing, Chennai/respondents 5 and 6.

7. Mr.Y.Akbar Ahmed, petitioner/party-in-person made submissions on the above averments.

8. On instructions from the Directorate of Vigilance and Anti-Corruption, Chennai, Mr.T.N.Rajagopalan, Government Pleader submitted that on going through the averments made in the representation, dated 5/8/2018, the Superintendent of Police, Chennai, has sent the said petition to the Commissioner of Police, Greater Chennai Police, Chennai, and the Directorate of Vigilance and Anti Corruption, Chennai has received the same on 9/10/2018. He further submitted that action on the petition is taken on.

9. Submission of the learned Government Pleader is placed on record.

10. In the light of the above, contentions of the petitioner that no action has been taken either by the Directorate of Vigilance and Anti Corruption or the Additional Director General of Police (CB-CID), is not correct. Matter is stated to be enquired. No sooner, the enquiry is completed,

Directorate of Vigilance and Anti-Corruption, Chennai, second respondent is directed to pass suitable orders, on the representation of the petitioner, dated 5/8/2018, on merits and in accordance with law, within a period of two months from today. Action taken, be informed to the petitioner.

11. With the above direction, writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Special Officer
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Chennai 600 007.
4. The Additional Director General of Police
Crime Branch - Central Investigation Department
Egmore
Chennai 600 008.

+lcc to Government Pleader sr.no.74282
+lcc to Mr.Y.Akbar Ahmed, Advocate sr.no.74436

Writ Petition No. 28329 of 2018

bs(co)
nr 26/11/2018