

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 32490 of 2018
and
W.M.P.No.37699 of 2018

M.Jayakrishnan

... Petitioner

Vs.

1. The Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Salai, Collector Nagar,
Alandur, Chennai-600 016.
2. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Bynapally Road, Opp. Krishnagiri Collectorate,
Krishnagiri District.
3. The Superintendent of Police,
Central Bureau of Investigation,
ACB Chennai, 3rd Floor, Shastri Bhavan,
26, Haddows Road, Chennai-600 006.

... Respondents

PRAYER: Writ Petition has been filed under Section 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records in impugned order in Petn.No.8426/2018/RDP/KG dated 30.08.2018 passed by the 1st respondent herein and quash the same and consequently direct the 3rd respondent to conduct investigation and take necessary action against the offenders for their irregularities committed in Mahatma Gandhi National Rural Employment Guarantee Act 2005, MGNREGA (100 Days Employment Scheme) and Individual Household Latrine (IHHL Schemes in the kottaiyur Panchayat, Thally Block, Denkanikottai Taluk, Krishnagiri District.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.R.Ravichandran, for R1 & R2
Government Advocate

Mr.K.Srinivasan for R3
Spl. Public Prosecutor (CBI Cases)

O R D E R

This writ petition has been filed to issue a writ of certiorarified mandamus to call for the records in impugned order in Petn.No.8426/2018/RDP/KG dated 30.08.2018 passed by the 1st respondent herein and quash the same and consequently direct the 3rd respondent to conduct investigation and take necessary action against the offenders for their irregularities committed in Mahatma Gandhi National Rural Employment Guarantee Act 2005, MGNREGA (100 Days Employment Scheme) and Individual Household Latrine (IHHL Schemes in the Kottaiyur Panchayat, Thally Block, Denkanikottai Taluk, Krishnagiri District.

2.The case of the petitioner is that he came to know that there are several irregularities in respect of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (100 days employment scheme) and the officers including Panchayat Secretary colluded with each other and created a bogus and false claim from the State and Central Government funds. Thereby, the petitioner preferred a petition to the Director, Rural Development and Panchayat Raj Department, Chennai-15 for taking necessary action at their end in accordance with the instructions issued in Government Memo No.1356/64/2 Public (Services-B) dated 08.04.1964 and incorporated in Para 10(3) of the Manual of the DVAC.

3.The Director, DVAC after perusing the petition filed by the petitioner rejected the same on the ground that as per the instructions issued in Government Memo No.1356/64/2 Public (Services-B) dated 08.04.1964 and incorporated in Para 10(3) of the Manual of the DVAC, the petition filed by the petitioner did not disclose any specific offences under Prevention of Corruption Act, 1988. Aggrieved by the said order, the petitioner has filed the present writ petition with the above said prayer.

4.This Court while entertaining this writ petition on 07.12.2018, directed the 2nd respondent to file a status report with regard to investigation carried out by him and file a report before this Court. Accordingly, the 2nd respondent conducted a preliminary enquiry and filed a status report, which reveals that there are prima facie materials available for registering a case.

5. Based on the materials submitted, the Director of Vigilance and Anti Corruption ordered vide memorandum in PE-266/2018/RDP/KG dated 12.12.2018 directed the 2nd respondent to conduct a preliminary enquiry against Tr.S.Madeva to ascertain whether any cognizable offence is made out. The relevant portion of the status report filed by the 2nd respondent in connection with the preliminary enquiry is extracted hereunder:

"11) It is further submitted that with regard to allegation No.(vi) a random of 7 beneficiaries namely Tr.S.Perumal, S/o.Madhan, Nayagankottai Village, Kottayur Panchayat, Anchetty Taluk, Krishnagiri District, Tmt.Madevi W/o.Perumal, Nayagankottai, Kottayur, Tmt.Jayammal W/o.Madhan (Late), Nayagankottai, Kottayur, Tmt.Raji W/o. Palanisamy, Nayagankottai Village, Kottayur, Tr.Muthuraj S/o.Anumanthashetty, Matiyur, Kottayur, Tmt.Madevi W/o.Venkataraj, Baddardoddy village, Kottayur and Tr.C.Nagaraj S/o.Chandrappa, Kottayur Village, Anchetty Taluk, Krishnagiri District were examined during the enquiry and it discloses that except witness Tr.C.Nagaraj S/o. Chandrappa, Kottayur Village, Anchetty Taluk, Krishnagiri District, others have not stated anything against R.Madeva, Witness Tr.C.Nagaraj stated that Tr.S.Madeva collected Rs.10,000/- as undue advantage for himself for arranging to get sanction of house under Prime Minister's Awas Yojana.

12) It is further submitted that with regard to allegation No.(vii), the enquiry reveals that totally 2036 beneficiaries got benefited under Mahatma Gandhi National Rural Employment Guarantee Scheme and to verify its genuineness, numerous documents have to be scrutinised. In this regard, the enquiry is in progress.

13) It is further submitted that at present, the PE-266/2018/RDP/KG registered on 12.12.2018 by the DVAC, against Tr.S.Madeva, Panchayat Secretary, Kottayur Village Panchayat, Anchetty Taluk, Krishnagiri District, is in progress."

5. In view of the above, nothing survives in this writ petition for further adjudication. Since the respondents themselves have agreed to conduct a preliminary enquiry, the order passed in Petn. No.8426/2018/RDP/KG dated 30.08.2018 by the 1st respondent herein is set aside. Liberty is granted to DVAC, Chennai to proceed further in accordance with law.

6. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To

1. The Director
Vigilance and Anti-Corruption,
No.293, M.K.N.Salai, Collector Nagar,
Alandur, Chennai-600 016.
2. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Bynapally Road, Opp. Krishnagiri Collectorate,
Krishnagiri District.
3. The Superintendent of Police,
Central Bureau of Investigation,
ACB Chennai, 3rd Floor, Shastri Bhavan,
26, Haddows Road, Chennai-600 006.
4. The Special Public Prosecutor(CBI Cases), High Court, Madras.

+1 cc to Mr.T.Sundaravadanam, Advocate, S.R.No.89407

SS(CO)
SSM(23/01/2019)

W.P.No. 32490 of 2018

सत्यमेव जयते

WEB COPY