



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.17639 of 2018

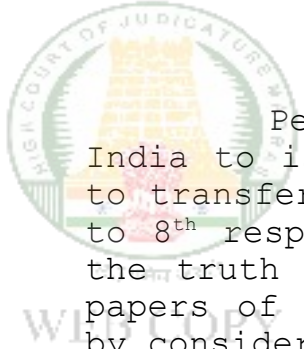
K.K.Ramesh

... Petitioner

vs.

- 1.The Government of India,
rep.by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- 2.The Government of Tamil Nadu,
rep.by its Secretary to Governor,
Raj Bhavan, Chennai - 600 022.
- 3.The Government of Tamil Nadu,
rep.by its Home Secretary,
Fort St. George, Secretariat,
Chennai.
- 4.The Director General of Police,
Dr. Radhakrishnan Street, Chennai.
- 5.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Old Highways Buildings,
Guindy, Chennai - 600 025.
- 6.Controller of Examinations,
Anna University,
Sardar Patel Road,
Old Highways Buildings,
Guindy, Chennai - 600 025.
- 7.The Inspector of Police,
Vigilance and Anti Corruption,
City Special Unit - I,
Chennai - 16.
- 8.The Director,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

... Respondents



Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 to transfer the case from 7th respondent in Crime No.09/AC/2018/ CC1 to 8th respondent Central Bureau of Investigation (CBI) to find out the truth and irregularities in the revaluation of examination of papers of Engineering Students studied in Anna University, Chennai by considering the petitioner's representation dated 02.08.2018.

For Petitioner : Mr.K.K.Ramesh
Party-in-person

For R1 & R8 : Mr.V.Kathirvelu
Assistant Solicitor General of India
assisted by Mr.I.Irulappan

For Respondents
2, 3, 4 & 7 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskarapandian
Special Government Pleader

For R5 & R6 : Mr.Rajarajan
Standing Counsel

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Styling it as a Public Interest Litigation, the petitioner who is in the habit of filing such petitions and received an adverse comment from the Court, has filed the present one.

2.An FIR has been registered in Crime No.09/AC/2018/CC1 by the 7th respondent on 31.07.2018 with respect to the alleged irregularities committed by the officials of the fifth respondent in awarding marks. Within two days, the petitioner gave a representation on 02.08.2018 seeking transfer of investigation. Thereafter, immediately approached this Court seeking transfer the case to the 8th respondent.

3.The petitioner who appeared in person submits that several persons holding high posts might have been involved. Therefore, this is a fit case, where investigation will have to be transferred to the 8th respondent.

4.The learned Additional Advocate General appearing for the 7th respondent would submit that investigation has just started. The allegations are without any basis. Therefore, the 7th respondent will have to be permitted to proceed further.

5.We do not find any reason in this petition. Public Interest Litigation cannot be filed on mere conjecture and surmise. The FIR has been registered only on 31.07.2018 and investigation is at the nascent stage. The petitioner has filed the present writ petition on mere surmise. Therefore, we are of the view that this writ petition deserves to be dismissed. Though this is a case where cost will have to be imposed, we refrained from doing so.



6.The Writ Petition is dismissed accordingly. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

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Sub Assistant Registrar (CS-III)

To:

- 1.The Home Secretary,
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Plot No.5-B, CGO Complex,
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+1CC to Mr.I.Irulappan, Advocate, SR.No. 77759

+1CC to Mr.K.K.Ramesh, Advocate, SR.No.77745

+1CC to Mr.Rajarajan, Advocate, SR.No.77751

W.P.(MD) No.17639 of 2018
09.08.2018

mj

ES/SKN/RSK/SAR 3/10.09.2018/3P/10C