



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.03.2018

CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

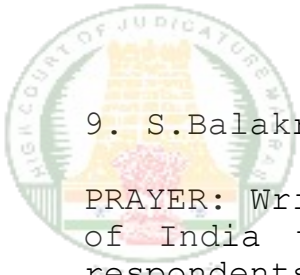
W.P. (MD) No.2523 of 2018
and
W.M.P. (MD) .No.2704 of 2018

Sankaranarayanan

... Petitioner

Vs.

1. The Director of Vigilance &
Anti-Corruption,
Tamil Nadu State,
Alandur,
Chennai.
2. The District Collector,
Office of the District Collector,
Virudhunagar District.
3. The Superintendent of Police,
Virudhunagar District.
4. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
5. The Thasildar,
Thiruchulli Taluk,
Virudhunagar District.
6. The Executive Engineer,
Public Works Department/
Water Resource Organization,
Kundaru Division,
Thallakulam,
Madurai City.
7. The Inspector of Police,
Vigilance & Anti - Corruption,
Virudhunagar,
Virudhunagar District.
8. The Inspector of Police,
Kattanoor Police Station,
Virudhunagar District.



9. S.Balakrishnan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 7th respondents to take suitable severe action against the sixth respondent in regarding the loss of Government Money in Rs.1 crore 71 lakhs (1,71,00,000) in the irregularities committed by the sixth respondent for Tender Process in Seemai Karuvelam Trees at Kattanoor Tank, Thiruchulli Taluk, Virudhunagar District.

For Petitioner : Mr.R.Udhayakumar
For R1 to R8 : Mr.A.K.Baskara Pandian
Special Government Pleader

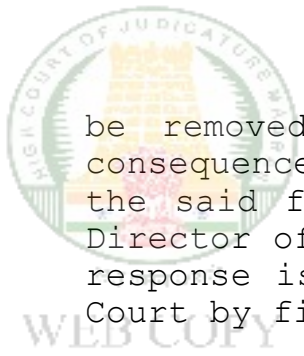
O R D E R

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

The petitioner claims to be a resident of Kattanoor Post, Thiruppachetti Via, Thiruchulli Taluk, Virudhunagar District, came forward to file the Public Interest Litigation alleging irregularity in the auction to cut "Seemai Karuvelam Trees' in Survey No.1/1 ad-measuring to an extent of 246.80 hectares at Kattanoor Tank.

2. The matter was listed for hearing on 13.02.2018 and on that day, this Court, taking note of the submissions made by the learned counsel for the respondents 1 to 8 that the petitioner was a dismissed former TASMAC employee and also facing criminal prosecution, directed him to file an additional affidavit, as to the said allegation and accordingly, the petitioner has filed the additional affidavit dated 22.02.2018. A perusal of the said affidavit would disclose that the petitioner along with the family members faced criminal prosecution in C.C.No.231 of 2002 on the file of the Court of Judicial Magistrate, Aruppukottai, for the commission of the offences under Sections 417, 498(A) of I.P.C., and Section 4 of Dowry Prohibition Act r/w. Section 109 of I.P.C and the said case ended in acquittal on 26.12.2002 and thereafter, he joined the service of TASMAC and on account of similar irregularity, he was dismissed from service and also facing criminal prosecution in Crime No.2 of 2014 registered by the District Crime Branch, Sivagangai for the alleged commission of the offences under Sections 409 and 120(b) of I.P.C., which after investigation, is culminated in the charge sheet in C.C.148 of 2014, taken on file by the Court of Judicial Magistrate No.II, Sivagangai. The petitioner has suppressed the said material fact, at the time of filing the writ petition.

3. The learned counsel for the petitioner has drawn the attention of this Court to the typed set of papers, dated 22.02.2018 and would submit that though as per the Notification, 'Seemai Karuvelam Trees' located on the tanks of the said river bed were removed, whereas the entire 'Seemai Karuvelam Trees' are sought to



be removed by auction that too have a higher amount and as a consequence, the Government is put to huge revenue loss and despite the said fact being brought to the knowledge of the Department of Director of Vigilance and Anti - Corruption, Chennai - 19, no proper response is forthcoming and therefore, constrained to approach this Court by filing this writ petition.

4. Per contra, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the official respondents would submit that W.A.No.166 of 2018 filed in this regard also came to be dismissed and also further invited the attention of this Court to the Letter of the Executive Engineer, Public Works Department / Water Resources Department, Gundaru Basin, Madurai - 2, addressed to M.Muthupandi, S/o. Muniyandi, Uluthimadai Village, Thiruchuli Taluk, Virudhunagar District in Letter No.D3/524/2017, dated 04.01.208, would submit that the fair and transparent procedure is adopted and the 'Seemai Karuvelam Trees' located on the water body as well as the adjacent area will be removed totally right from the root itself within a stipulated time granted and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before this Court.

6. As pointed out in the earlier paragraph, the petitioner being a Public Interest Litigant is expected to approach this Court by clean hands by pleading of the relevant facts and unfortunately, in the form of the additional affidavit, he disclosed the relevant facts. Be that as it may, the challenge made to the very same auction notification came to be dismissed in W.A.No.166 of 2008, this Court has taken note of the submissions of the learned Special Government Pleader and fair and transparent procedure has been adopted while auctioning the licence to cut and remove the "Seemai Karuvelam Trees" from the root itself, from Survey No.1/1 admeasuring to an extent of 246.80 hectares at Kattanoor Tank. In this view of the matter, there is no merit in this writ petition.

7. The Full Bench of this Court, vide interim order dated 28.07.2017, with regard to the interim report submitted as to the removal of Karuvelam Trees in paragraph No.10 as follows:

"As per the first recommendation, a plan may be worked out and implemented for removal of Seemai Karuvelam Trees across the water bodies of the state in a phased manner in order to facilitate flow of water and augment the storage capacity of water bodies."

8. In the light of the same, there cannot be any impediment to remove the 'Seemai Karuvelam Trees' located on the water body and as already observed, the respondents 4 and 6 shall periodically monitor as to the removal of Karuvelam Trees in accordance with the conditions of licence / tender and to see that all the trees are removed from the root itself and the removed trees are disposed in a



fair and transparent manner and thereby augmenting the revenue of the State.

9. In the light of the above, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

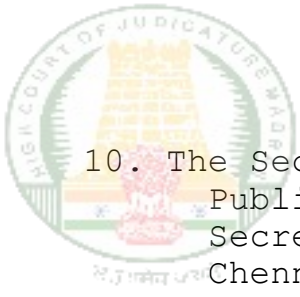
Sd/
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Director of Vigilance &
Anti-Corruption,
Tamil Nadu State,
Alandur,
Chennai.
2. The District Collector,
Office of the District Collector,
Virudhunagar District.
3. The Superintendent of Police,
Virudhunagar District.
4. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
5. The Thasildar,
Thiruchulli Taluk,
Virudhunagar District.
6. The Executive Engineer,
Public Works Department/
Water Resource Organization,
Kundaru Division,
Thallakulam,
Madurai City.
7. The Inspector of Police,
Vigilance & Anti - Corruption,
Virudhunagar,
Virudhunagar District.
8. The Inspector of Police,
Kattanoor Police Station,
Virudhunagar District.
9. The Secretary to Government of Tamil Nadu,
MA & WS Department,
Secretariat, Chennai 600 009.



10. The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat,
Chennai 600 009.

WEB COPY

+1cc to M/s.Special Government Pleader,SR.No. 53029

W.P. (MD) No.2523 of 2018
02.03.2018

akv
KK/SKN RSK/26.03.2018/SAR-1/5P-12C