



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD) No.13721 of 2017

Ajmalkhan : Petitioner

Vs.

1.The Director of Vigilance and Anti-Corruption Department,
No.293, M.K.N.Road, Alandur, Chennai.

2.The Superintendent of Police,
Ramanathapuram District.

3.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code praying to take immediate action on the basis of the complaint given by the petitioner dated 01.04.2017 within a time frame stipulated by this Court.

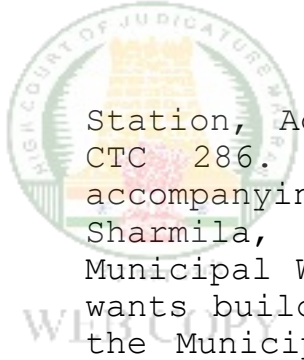
For Petitioner : Mr.A.Shajahan
For Respondents : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

ORDER

The petitioner is a Councillor of Keelakarai Municipality. He has given a complaint dated 25.10.2016 to the Vigilance and Anti-Corruption Department, making certain allegations against one Tmt.Kottai Ammal, alleging that she had collected a sum of Rs.5,12,224/- from one Sharmila for granting building plan approval, but, had remitted only a sum of Rs.86,355/- in the treasury account of State Bank of India.

2. This Court heard the submission made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. At the outset, this Criminal Original Petition is not maintainable, in the light of the law laid down by this Court in Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheela No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police



Station, Adyar, Chennai 600 020 and another, reported in 2016 (2) CTC 286. However, this Court perused the complaint and the accompanying documents. In this case, the complainant is not Sharmila, but the petitioner herein, who was, admittedly, the Municipal Ward Councillor at the relevant point of time. If a party wants building plan approval, an application should be submitted to the Municipality and the concerned Clerk in the Municipality will issue a chellan for remitting money in the treasury account with the State Bank of India. In this case, the money has been remitted by Sharmila herself, as could be seen from the remitter copies of five chellans, enclosed in the typed set of papers. Perhaps, the petitioner would have collected more money from Sharmila and when she started to demand and account for money from him, he has made it appear as if he had paid money to Kottai Ammal. The complaint given by the petitioner does not inspire the confidence of the Court warranting direction, as prayed for by the petitioner.

4. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of Vigilance and Anti-Corruption Department,
No.293, M.K.N.Road, Alandur, Chennai.
- 2.The Superintendent of Police,
Ramanathapuram District.
- 3.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Shajahan, Advocate, SR.No. 42691

ORDER MADE IN
Crl.O.P. (MD) No.13721 of 2017
Dated:-
17.01.2018