THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.19934 of 2018

ORDER: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned counsel for the petitioner quite in extenso.

2. The petitioner and respondent Nos.4 and 5 are before the civil Court. It is submitted that respondent Nos.4 and 5 have sought certain declaratory reliefs touching certain properties, movable and immovable, referable to the assets of one late Sri Anjaneyulu.

3. The petitioner moved the Central Vigilance Commission by making a representation in relation to the non-availability of documents, which, according to him, would aid him to appropriately contest the suit. The Central Vigilance Commission has stated to have forwarded it to the Chief Vigilance Officer of the Central Board of Direct Taxes.

4. Having given our deeper consideration to the issues, which the petitioner seeks to raise, we are of the view that the petitioner has all avenues before the civil Court in accordance with the provisions of the Code of Civil Procedure and the Evidence Act, for summoning the documents and ensuring production of documentary evidence as well as, if necessary, summoning the requisite witnesses to satisfy the trial Court in the process of the suit pending at that end. The exercise of the petitioner, attempted to be carried out through the Central Vigilance Commission and the Chief Vigilance Officer of the Central Board of Direct Taxes, does not appeal to us merely because the Central Vigilance Commission, in its communication dated

28.02.2018, has forwarded the petitioner's complaint observing that, it was being forwarded having regard to the nature of the issues raised.

5. For the aforesaid reasons, without prejudice to the petitioner taking recourse to such remedies, as may be available to him, during the course of the civil suit noted above, or in any other proceedings, in accordance with law and to obtain production of documents or other evidence and also seek for reliefs of such nature from such Courts and judicial authorities, we close this Writ Petition. This judgment will also not preclude the third respondent – Chief Vigilance Officer, Central Board of Direct Taxes, or the second respondent – Central Vigilance Commission, to deal with any particular situation where their jurisdiction becomes relevant, since that is an institutional matter in the first instance, be it with the Central Board of Direct Taxes or the Central Vigilance Commission. It is so clarified.

The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

09.07.2018
vs/pln