

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.159 of 2019

J.Selvaganesan

.. Petitioner

Vs.

1. State Inspector of Police,  
Vigilance and Anti-Corruption  
Chennai City-II Detachment  
Alandur, Chennai 600 016  
(Ref.Cr.No.06/AC/2018/CC-1 dt.23.3.18)

2. Deputy Superintendent of Police  
Vigilance and Anti-Corruption  
Chennai City-II Detachment  
Alandur, Chennai 600 016  
... Respondents

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondents herein to return the properties (documents) forming part of Seizure Mahazar dated 26<sup>th</sup> March 2018 in Cr.No.06/AC/2018/CC-1 dated 23<sup>rd</sup> March 2018 on the file of the 1<sup>st</sup> respondent to the petitioner herein.

For Petitioner : Mr.A.Ramesh, Senior Counsel  
for M/s.B.A.Sujay Prasanna

For Respondents : Mr.R.Ravichandran  
Government Advocate (CrI. Side)

O R D E R

This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code by the petitioner herein to direct the respondents to return the property documents, which forms part of Seizure Mahazar dated 26<sup>th</sup> March 2018 in Cr.No.06/AC/2018/CC-1 dated 23<sup>rd</sup> March 2018 on the file of the 1<sup>st</sup> respondent.

2.The case of the prosecution is that the crime was registered on 23<sup>rd</sup> March 2018, for the offences punishable under Sections 7, 12, 13(2) r/w 13(1)(d), Prevention of Corruption Act and Sections 120(B), 420, 468, 109 IPC against the Former Vice Chancellor of Anna University, Chennai and others.

3.Dr.Rajaram, the prime accused, while serving as a Vice Chancellor of Anna University during the period of May 2013 to May 2016, conspired with the other members of the selection committee and committed misconduct by abusing their official position and selected and appointed ineligible candidates for the post of Professors, Associate Professors and Assistant Professors in various discipline in violation of UGC norms and the AICTE norms and alleged to have obtained illegal gratification to the tune of Rs.25 Lakhs to 40 Lakhs per appointment. Hence, the Vigilance Authorities, during the course of investigation, seized several materials and property documents of various persons for the purpose of investigation from one Dr.B.Thanga Saravanan, who is the son-in-law of Dr.Rajaram, the prime accused.

4.The learned Senior counsel for the petitioner would submit that the petitioner herein had made a representation dated 10.12.2018 to the authorities of Vigilance and Anti Corruption that the property documents seized by them belong to the petitioner who is doing a real estate business. When the documents were brought to Chennai for obtaining legal opinion in the month of March 2018, to his lawyer, Mr.Dilip Mathew John at Anna Nagar, Chennai, the petitioner was unable to meet him and decided to visit Tirupathi Temple and meet his lawyer during his return. Hence, the property documents were handed over to the custody of Dr.B.Thanga Saravanan who is the son-in-law of Dr.Rajaram, the prime accused in the FIR.

5.The learned Senior counsel would further submit that the petitioner was summoned to appear before the 2<sup>nd</sup> respondent for the purpose of investigation and the petitioner's statement was duly recorded and statements of the other title owners of the seized documents were also recorded. The petitioner categorically stated before the 2<sup>nd</sup> respondent that the various individuals out of their own funds purchased the properties specified in the documents, long before the alleged occurrence of crime specified in the FIR and the properties have no nexus with the registered crime. The investigation officer was also satisfied with the explanation offered.

6.The learned Senior Counsel would further submit that since the property documents are seized by the respondents, the petitioner is not in a position to exercise the legal rights as the title owners of the properties without being in possession of the said documents. The petitioner is put to tremendous pressure from the lawful owners of the said properties to restore the said documents to their custody. Moreover, the documents were handed over to the petitioner for raising funds immediately for their urgent needs and the same would stand unfruitful if the documents are not returned immediately. The

documents seized are no way connected and relevant to the investigation and the same may be returned to the petitioner. Besides no prejudice would be caused to the respondents. The petitioner is also authorised by the lawful owners of the properties to collect these documents on their behalf. The representation of the petitioner was not considered by the respondents. Hence, the petitioner has come up before this Court for appropriate orders.

7.The learned Government Advocate (Crl. Side) would submit on instructions that the petitioner's representation would be considered and a reply would be sent to the petitioner within a period of two weeks.

8.Considering the limited request made by the learned Senior Counsel appearing for the petitioner and also the submissions made by the learned Government Advocate, this Court without going into the merits of the case, inclined to issue a direction to the authorities concerned to pass appropriate orders on the representation made by the petitioner on 10.12.2018 within a period of two weeks.

9.Accordingly, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

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To

Sub Assistant Registrar

1. The Inspector of Police  
Vigilance and Anti-Corruption  
Chennai City-II Detachment  
Alandur, Chennai 600 016  
(Ref.Cr.No.06/AC/2018/CC-1 dt.23.3.18)

2. The Deputy Superintendent of Police  
Vigilance and Anti-Corruption  
Chennai City-II Detachment  
Alandur, Chennai 600 016

Copy to:- The Public Prosecutor  
High Court of Madras

+2 ccs to M/s.R.Ashwin, Advocate, SR No.4066 dated 04/01/2019

Crl.O.P.No.159 of 2019

VGI (CO)  
SSM(21/01/2019)